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A
LAW DICTIONARY,

ADAPTED TO THE

CONSTITUTION AND LAWS

OF THE

UNITED STATES OF AMERICA

AND OF THE

Seberal States of the American Union;

WITH

REFERENCES TO THE CIVIL AND OTHER SYSTEMS OF
FOREIGN LAW.

BY JOHN BOUVIER.

Ignoratis terminis ignoratur et ars.—Co. Litt. 2 a.

Je sais que chaque science et chaque art a ses termes propres, inconnu au commun des hommes.—FLEURY.

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MAXIM. An established principle or proposition. A principle of law universally admitted, as being just and consonant with reason.

2. Maxims in law are somewhat like axioms in geometry. 1 Bl. Com. 68. They are principles and authorities, and part of the general customs or common law of the land; and are of the same strength as acts of parliament, when the judges have determined what is a maxim; which belongs to the judges and not the jury. Terms de Ley; Doot. & Stud. Dial. 1, c. 8. Maxims of the law are holden for law, and all other cases that may be applied to them shall be taken for granted. 1 Inst. 11. 67; 4 Rep. See 1 Com. c. 68; Plowd. 27, b.

3. The application of the maxim to the case before the court, is generally the only difficulty. The true method of making the application is to ascertain how the maxim arose, and to consider whether the case to which it is applied is of the same character, or whether it is an exception to an apparently general rule.

4. The alterations of any of the maxims of the common law are dangerous. 2 Inst. 210.

The following are some of the more important maxims.

A communis observantia non est recedendum. There should be no departure from common observance or usage. Co. Litt. 186.

Impossibile nul n'est tenu. No one is bound to do what is impossible. 1 Bouv. Inst. n. 601.

Verbis legis non est recedendum. From the words of the law there must be no departure. Broom's Max. 268; 5 Rep. 119; Wing. Max. 25.

Absentia ejus qui reipublica causa abest, neque ei, neque alii damnosa esse debet. The absence of him who is employed in the service of the state, ought not to be burdensome to him nor to others. Dig. 50, 17, 140.

Absoluta sententia expositore non indiget. An absolute unqualified sentence or proposition, needs no expositor. 2 Co. Inst. 533.

Abundans cautela non nocet. Abundant caution does no harm. 11 Co. 6.

Accessorius sequit naturam sui principalis. An accessory follows the nature of his principal. 3 Co. Inst. 349.

Accessorium non ducit sed sequitur suum principale. The accessory does not lead, but follow its principal. Co. Litt. 152.

Accusare nemo debet se, nisi coram Deo. No one ought to accuse himself, unless before God. Hard. 139.

Actio exteriora indicant interiora secreta. External actions show internal secrets. 8 Co. R. 146.

Actio non datur non damnificato. An action is not given to him who has received no damages.

Actio personalis moritur cum persona. A personal action dies with the person. This must be understood of an action for a tort only.

Actor qui contra regulam quid adduxit, non est audiendus. He ought not to be heard who advances a proposition contrary to the rules of law.

Actor sequitur forum rei. The plaintiff must follow the forum of the thing in dispute.

Actors non probante reus absolvitur. When the plaintiff does not prove his case, the defendant is absolved.

Actus Dei nemini facit injuriam. The act of God does no injury; that is, no one is responsible for inevitable accidents. 2 Blacks. Com. 122. See *Act of God*.

Actus inceptus cujus perfectio pendet, ex voluntate partium, revocari potest; si autem pendet ex voluntate tertie personae, vel ex contingenti, revocari non potest. An act already begun, the completion of which depends upon the will of the parties, may be recalled; but if it depend on the consent of a third person, or of a contingency, it cannot be recalled. Bacon's Max. Reg. 20.

Actus me invito factus, non est meus actus. An act done by me against my will, is not my act.

Actus non reum facit, nisi mens sit rea. An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise. 2 Bouv. Inst. n. 2211.

Actus legitimi non recipiunt modum. Acts required by law to be done, admit of no qualification. Hob. 153.

Actus legis nemini facit injuriam. The act of the law does no one an injury. 5 Co. 116.

Ad proximum antecedens fiat relatio, nisi impediatur sententia. The antecedent bears relation to what follows next, unless it destroys the meaning of the sentence.

Ad questiones facti non respondent iudices; ad questiones legis non respondent juraliores. The judges do not answer to questions of fact; the jury do not answer to questions of law. Co. Litt. 295.

Estimatio præteriti delicti ex postremo facto nunquam crescit. The estimation of a crime committed never increases from a subsequent fact. Bac. Max. Reg. 8.

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur. A hidden ambiguity of the words is supplied by the verification, for whatever ambiguity arises concerning the deed itself is removed by the verification of the deed. Bacon's Max. Reg. 23.

Aqua cedit solo. The water yields or accompanies the soil. The grant of the soil or land carries the water.

Aqua currit et debet currere. Water runs and ought to run. 3 Rawle, 84, 88.

Æquitas agit in personam. Equity acts upon the person. 4 Bouv. Inst. n. 3733.

Æquitas sequitur legem. Equity follows the law. 1 Story, Eq. Jur. § 64; 3 Wooddes. Lect. 479, 482.

Æquum et bonum, est lex legum. What is good and equal, is the law of laws. Hob. 224.

Affirmati, non neganti incumbit probatio. The proof lies upon him who affirms, not on him who denies.

Aliud est celare, aliud tacere. To conceal is one thing, to be silent another.

Alternativa petitio non est audienda. An alternate petition is not to be heard. 5 Co. 40.

Animus ad se omne jus ducit. It is to the intention that all law applies.

Animus hominis est anima scripti. The intention of the party is the soul of the instrument. 3 Bulstr. 67.

Apices juris non sunt jura. Points of law are not laws. Co. Litt. 304; 8 Scott, N. P. R. 773.

Arbitrium est judicium. An award is a judgment. Jenk Cent. 137.

Argumentum à majori ad minus negative non valet; valet è converso. An argument from the greater to the less is of no force negatively; conversely it is. Jenk. Cent. 281.

Argumentum à divisione est fortissimum in jure. An argument arising from a division is most powerful in law. 6 Co. 60.

Argumentum ab inconvenienti est validum in lege; quia lex non permittit aliquid inconvenienti. An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience. Co. Litt. 258.

Argumentum ab impossibili plurimum valet in lege. An argument deduced from authority greatly avails in law. Co. Litt. 92.

Argumentum ab auctoritate est fortissimum in lege. An argument drawn from authority is the strongest in law. Co. Litt. 254.

Argumentum à simili valet in lege. An argument drawn from a similar case, or analogy, avails in law. Co. Litt. 191.

Ausepia verborum sunt iudice indigna. A twisting of language is unworthy of a judge. Hob. 343.

Bona fides non patitur, ut his idem exigatur. Natural equity or good faith do not allow us to demand twice the payment of the same thing. Dig. 50, 17, 57.

Boni iudicis est ampliari jurisdictionem. It is the part of a good judge to enlarge his jurisdiction; that is, his remedial authority. Chan. Prec. 329; 1 Wils. 284; 9 M. & Wels. 818.

Boni iudicis est causas litium derimere. It is the duty of a good judge to remove the cause of litigation. 2 Co. Inst. 304.

Bonum defendantis ex integrâ causâ, malum ex quolibet defectu. The good of a defendant arises from a perfect case, his harm from some defect. 11 Co. 68.

Bonum iudex secundum æquum et bonum iudicat, et equitatem stricto juri præfert. A good judge decides according to justice and right, and prefers equity to strict law. Co. Litt. 24.

Bonum necessarium extra terminos necessitatis non est bonum. Necessary good is not good beyond the bounds of necessity. Hob. 144.

Casus fortuitus non est sperandus, et nemo tenetur decipere. A fortuitous event is not to be foreseen, and no person is held bound to divine it. 4 Co. 66.

Casus omissus et oblivione datus dispositioni communis juris relinquitur. A case omitted and given to oblivion is left to the disposal of the common law. 5 Co. 37.

Catalla justè possessa amitti non possunt. Chattels justly possessed cannot be lost. Jenk. Cent. 28.

Catalla reputantur inter minora in lege. Chattels are considered in law among the minor things. Jenk. Cent. 52.

Causa proxima, non remota spectatur. The immediate, and not the remote cause, is to be considered. Bac. Max Reg. 1.

Caveat emptor. Let the purchaser beware.

Cavendum est à fragmentis. Beware of fragments. Bacon, Aph. 26.

Cessante causa, cessat effectus. The cause ceasing, the effect must cease.

C'est le crime qui fait la honte, et non pas l'effa-faud. It is the crime which causes the shame, and not the scaffold.

Charta de non ente non valet. A charter or deed of a thing not in being, is not valid. Co. Litt. 36.

Chirographum apud debitorem repertum præsumitur solutum. A deed or bond found with the debtor is presumed to be paid.

Circuitus est evitandus. Circuity is to be avoided. 5 Co. 31.

Clausula inconsuetæ semper indicunt suspicionem. Unusual clauses always induce a suspicion. 3 Co. 81.

Clausula quæ abrogationem excludit ab initio non valet. A clause in a law which precludes its abrogation, is invalid from the beginning. Bacon's Max. Reg. 19, p. 89.

Clausula vel dispositio inutilis per præsumptionem remotam vel causam, ex post facto non fulcitur. A useless clause or disposition is not supported by a remote presumption, or by a cause arising afterwards. Bacon's Max. Reg. 21.

Cogitationis penam nemo patitur. No one is punished for merely thinking of a crime.

Commodum ex injuriâ suâ non habere debet. No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.

Communis error facit jus. A common error makes law. What was at first illegal, being repeated many times, is presumed to have acquired the force of usage, and then it would be wrong to depart from it. The converse of this maxim is *communis error non facit jus*. A common error does not make law.

Confessio facta in iudicio omni probatione major est. A confession made in court is of greater effect than any proof. Jenk. Cent. 102; 11 Co. 30.

Confirmare nemo potest priusquam jus ei acciderit. No one can confirm before the right accrues to him. 10 Co. 48.

Confirmatio est nulla, ubi donum præcedens est invalidum. A confirmation is null where the preceding gift is invalid. Co. Litt. 295.

Conjunctio mariti et feminae est de jure naturæ. The union of a man and a woman is of the law of nature.

Consensus non concubitus facit nuptiam. Consent, not lying together, constitutes marriage.

Consensus facit legem. Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

Consensus tollit errorem. Consent removes or obviates a mistake. Co. Litt. 126.

Consentientes et agentes pari pœna plectuntur. Those consenting and those perpetrating are embraced in the same punishment. 5 Co. 80.

Consequentia non est consequentia. A consequence ought not to be drawn from another consequence. Bacon, De Aug. Sci. Aph. 16.

Consilium, non fraudulentum, nulla est obligatio. Advice, unless fraudulent, does not create an obligation.

Constructio contra rationem introducta, potius usurpatio quam consuetudo appellari debet. A custom introduced against reason ought rather to be called an usurpation than a custom. Co. Litt. 113.

Constructio legis non facit injuriam. The construction of law works not an injury. Co. Litt. 183; Broom's Max. 259.

Consuetudo debet esse certa. A custom ought to be certain. Dav. 33.

Consuetudo est optimus interpret legum. Custom is the best expounder of the law. 2 Co. Inst. 18; Dig. 1, 3, 37; Jenk. Cent. 273.

Consuetudo est altera lex. Custom is another law. 4 Co. 21.

Consuetudo loci observanda est. The custom of the place is to be observed. 6 Co. 67.

Consuetudo præscripta et legitima vincit legem. A prescriptive and legitimate custom overcomes the law. Co. Litt. 113.

Consuetudo semel reprobat non potest amplius induci. Custom once disallowed cannot again be produced. Dav. 33.

Consuetudo voluntis ducit, lex nolentes trahit. Custom leads the willing, law compels or draws the unwilling. Jenk. Cent. 274.

Contestatio liti vel terminos contradictorios. An issue requires terms of contradiction; that is, there can be no issue without an affirmative on one side and a negative on the other.

Contemporanea expositio est optima et fortissima in lege. A contemporaneous exposition is the best and most powerful in the law. 2 Co. Inst. 11.

Contrà negantem principia non est disputandum. There is no disputing against or denying principles. Co. Litt. 43.

Contrà non volentem agere nulla currit præscriptio. No prescription runs against a person unable to act. Broom's Max. 398.

Contrà veritatem lex nunquam aliquid permittit. The law never suffers anything contrary to truth. 2 Co. Inst. 252. But sometimes it allows a conclusive presumption in opposition to truth. See 3 Bouv. Inst. n. 3061.

Contractus legem ex conventionione accipiunt. The agreement of the parties makes the law of the contract. Dig. 16, 3, 1, 6.

Contractus ex turpi causâ, vel contrà bonos mores nullus est. A contract founded on a base and unlawful consideration, or against good morals, is null. Hob. 187; Dig. 2, 14, 27, 4.

Conventio vincit legem. The agreement of the parties overcomes or prevails against the law. Story, Ag. § 368. See Dig. 16, 3, 1, 6.

Copulatio verborum indicat acceptionem in eodem sensu. Coupling words together shows that they ought to be understood in the same sense. Bacon's Max. in Reg. 3.

Corporalis injuria non recipit estimationem de futuro. A personal injury does not receive satisfaction from a future course of proceeding. Bacon's Max. Reg. 6.

Cuilibet in arte sua herilo credendum est. Every one should be believed skilful in his own art. Co. Litt. 125. Vide *Experts; Opinion*.

Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the disadvantage.

Cujus est dare ejus est disponere. He who has a right to give, has the right to dispose of the gift.

Cujus per errorem dati repetitio est, ejus consulto dati donatio est. Whoever pays by mistake what he does not owe, may recover it back; but he who pays, knowing he owes nothing; is presumed to give. Dig. 50, 17, 53.

Cujus est solum, ejus est usque ad cælum. He

who owns the soil, owns up to the sky. Co. Litt. 4 a; Broom's Max. 172; Shep. To. 90; 2 Bouv. Inst. n. 15, 70.

Cujus est divisio alterius est electio. Which ever of two parties has the division, the other has the choice. Co. Litt. 166.

Cujusque rei potissima pars principium est. The principal part of everything is the beginning. Dig. 1, 2, 1; 10 Co. 49.

Culpa tenet suos auctores. A fault finds its own authors.

Culpa est immiscere se rei ad se non pertinenti. It is a fault to meddle with what does not belong to or does not concern you. Dig. 50, 17, 36.

Culpa pœna par esto. Let the punishment be proportioned to the crime.

Culpa lata æquiparatur dolo. A concealed fault is equal to a deceit.

Cui pater est populus non habet ille patrem. He to whom the people is father, has not a father. Co. Litt. 123.

Cum confitente sponte mitius est agendum. One making a voluntary confession, is to be dealt with more mercifully. 4 Co. Inst. 66.

Cum duo inter se pugnantia reperiuntur in testamento ultimum ratum est. When two things repugnant to each other are found in a will, the last is to be confirmed. Co. Litt. 112.

Cum legitime nuptiæ factæ sunt, patrem liberi sequuntur. Children born under a legitimate marriage follow the condition of the father.

Cum adunt testimonia rerum quid opus est verbis. When the proofs of facts are present, what need is there of words. 2 Buls. 53.

Curiosa et captiosa interpretatio in lege reprobat. A curious and captious interpretation in the law is to be reprov'd. 1 Buls. 6.

Currit tempus contra desidēs et sui juris contemptores. Time runs against the slothful and those who neglect their rights.

Cursus curiæ est lex curiæ. The practice of the court is the law of the court. 3 Buls. 53.

De fide et officio judicis non recipitur quæstio; sed de scientia, sive error sit juris sive facti. Of the credit and duty of a judge, no question can arise; but it is otherwise respecting his knowledge, whether he be mistaken as to the law or fact. Bacon's Max. Reg. 17.

De jure judices, de facto juratores, respondent. The judges answer to the law, the jury to the facts.

De minimis non curat lex. The law does not notice or care for trifling matters. Broom's Max. 333; Hob. 88; 5 Hill, N. Y. Rep. 170.

De morte hominis nulla est cunctatio longa. When the death of a human being may be the consequence, no delay is long. Co. Litt. 134. When the question is on the life or death of a man, no delay is too long to admit of inquiring into facts.

De non apparentibus et non existentibus eadem est ratio. The reason is the same respecting things which do not appear, and those which do not exist.

De similibus ad similia eadem ratione procedendum est. From similars to similars, we are to proceed by the same rule.

De similibus idem est judicium. Concerning similars the judgment is the same. 7 Co. 18.

Debet esse finis litium. There ought to be an end of law suits. Jenk. Cent. 61.

Debet quis juri subjacere ubi delinquit. Every

one ought to be subject to the law of the place where he offends. 3 Co. Inst. 34.

Debile fundamentum, fallit opus. Where there is a weak foundation, the work falls. 2 Bouv. Inst. n. 2068.

Debita sequuntur personam debitoris. Debts follow the person of the debtor. Story, Conf. of Laws, § 362.

Debitor non presumitur donare. A debtor is not presumed to make a gift. See 1 Kames' Eq. 212; Dig. 50, 16, 108.

Debitum et contractus non sunt nullius loci. Debt and contract are of no particular place.

Delegata potestas non potest delegari. A delegated authority cannot be again delegated. 2 Co. Inst. 597; 5 Bing. N. C. 310; 2 Bouv. Inst. n. 1300.

Delegatus non potest delegare. A delegate or deputy cannot appoint another. 2 Bouv. Inst. n. 1936; Story, Ag. § 13.

Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived.

Derogatur legi, cum pars detrahatur; abrogatur legi, cum prorsus tollitur. To derogate from a law is to enact something contrary to it; to abrogate a law, is to abolish it entirely. Dig. 50, 16, 102. See 1 Bouv. Inst. n. 91.

Designatio unius est exclusio alterius, et expressum facit cessare tacitum. The appointment or designation of one is the exclusion of another; and that expressed makes that which is implied cease. Co. Litt. 210.

Dies dominicus non est juridicus. Sunday is not a day in law. Co. Litt. 135 a; 2 Saund. 291. See Sunday.

Dies inceptus pro completo habetur. The day of undertaking or commencement of the business is held as complete.

Dies incertus pro conditione habetur. A day uncertain is held as a condition.

Dilationes in lege sunt odiosae. Delays in law are odious.

Disparata non debent jungi. Unequal things ought not to be joined. Jenk. Cent. 24.

Dispensatio est vulnus, quod vulnerat jus commune. A dispensation is a wound which wounds a common right. Dav. 69.

Dissimilum dissimilis est ratio. Of dissimilars the rule is dissimilar. Co. Litt. 191.

Divinatio non interpretatio est, quae omnino recedit a litera. It is a guess not interpretation which altogether departs from the letter. Bacon's Max. in Reg. 3, p. 47.

Dolus versatur generalibus. A deceiver deals in generals. 2 Co. 34.

Dolus auctoris non nocet successor. The fraud of a possessor does not prejudice the successor.

Dolus circuitu non purgator. Fraud is not purged by circuitry. Bacon's Max. in Reg. 1.

Domus sua cuique est tutissimum refugium. Every man's house is his castle. 5 Rep. 92.

Domus tutissimum cuique refugium atque receptaculum. The habitation of each one is an inviolable asylum for him. Dig. 2, 4, 18.

Donatio perficitur possessione accipientis. A gift is rendered complete by the possession of the receiver. See 1 Bouv. Inst. n. 712; 2 John. 52; 2 Leigh, 337.

Donatio non presumitur. A gift is not presumed. *Donatur nunquam desinit possidere antequam do-*

narius incipiat possidere. He that gives never ceases to possess until he that receives begins to possess. Dyer, 281.

Dormiunt aliquando leges, nunquam moriuntur. The laws sometimes sleep, but never die. 2 Co. Inst. 161.

Dos de dote peti non debet. Dower ought not to be sought from dower. 4 Co. 122.

Duas uxores eodem tempore habere non potest. It is not lawful to have two wives at one time. Inst. 1, 10, 6.

Duo non possunt in solido unam rem possidere. Two cannot possess one thing each in entirety. Co. Litt. 368.

Duplicationem possibilitatis lex non patitur. It is not allowed to double a possibility. 1 Roll. R. 321.

Ea est accipienda interpretatio, qui vitio curet. That interpretation is to be received, which will not intend a wrong. Bacon's Max. Reg. 3, p. 47.

Ei incumbit probatio qui dicit, non qui negat. The burden of the proof lies upon him who affirms, not he who denies. Dig. 22, 3, 2; Tait on Ev. 1; 1 Phil. Ev. 194; 1 Greenl. Ev. § 74; 3 Louis. R. 83; 2 Dan. l'r. 408; 4 Bouv. Inst. n. 4411.

Ei nihil turpe, cui nihil satis. To whom nothing is base, nothing is sufficient. 4 Co. Inst. 53.

Ejus est non nolle, qui potest velle. He who may consent tacitly, may consent expressly. Dig. 50, 17, 8.

Ejus est periculum cujus est dominium aut commodum. He who has the risk has the dominion or advantage.

Electa una via, non datur recursus ad alteram. When there is concurrence of means, he who has chosen one cannot have recourse to another. 10 Toull. n. 170.

Electio semel facta, et placitum testatum, non patitur regressum. Election once made, and plea witnessed, suffers not a recall. Co. Litt. 146.

Electiones fiant rite et libere sine interruptione aliqua. Elections should be made in due form and freely, without any interruption. 2 Co. Inst. 169.

Enumeratio infirmat regulam in casibus non enumeratis. Enumeration affirms the rule in cases not enumerated. Bac. Aph. 17.

Equality is equity. Francis' Max., Max. 3; 4 Bouv. Inst. n. 3725.

Equity suffers not a right without a remedy. 4 Bouv. Inst. n. 3726.

Equity looks upon that as done, which ought to be done. 4 Bouv. Inst. n. 3729; 1 Fonbl. Eq. b. 1, ch. 6, s. 9, note; 3 Wheat. 563.

Error fucatus nudā veritate in multis est probabilior; et saepenumero rationibus vincit veritatem error. Error artfully colored is in many things more probable than naked truth; and frequently error conquers truth and reasoning. 2 Co. 73.

Error juris nocet. Error of law is injurious. See 4 Bouv. Inst. n. 3828.

Error qui non resistitur, approbatur. An error not resisted is approved. Doct. & Stud. c. 70.

Error scribentis nocere non debet. An error made by a clerk ought not to injure; a clerical error may be corrected.

Errores ad sua principia referre, est refellere. To refer errors to their origin is to refute them. 3 Co. Inst. 15.

Est autem vis legem simulans. Violence may also put on the mask of law.

Est boni iudicis ampliare jurisdictionem. It is the part of a good judge to extend the jurisdiction.

Ex antecedentibus et consequentibus fit optima interpretatio. The best interpretation is made from antecedents and consequents. 2 Co. Inst. 317.

Ex diuturnitate temporis, omnia presumuntur solemniter esse acta. From length of time, all things are presumed to have been done in due form. Co. Litt. 6; 1 Greenl. Ev. § 20.

Ex dolo malo non oritur actio. Out of fraud no action arises. Cowper, 343; Broom's Max. 349.

Ex facto jus oritur. Law arises out of fact; that is, its application must be to facts.

Ex malificio non oritur contractus. A contract cannot arise out of an act radically wrong and illegal. Broom's Max. 851.

Ex multitudine signorum, colligitur identitas vera. From the great number of signs true identity may be ascertained. Bacon's Max. in Reg. 25.

Ex nudo pacto non oritur actio. No action arises on a naked contract without a consideration. See *Nudum Pactum*.

Ex tota materia emergat resolutio. The construction or resolution should arise out of the whole subject matter. Wingate's Max. 238.

Ex turpi causa non oritur actio. No action arises out of an immoral consideration.

Ex turpi contractu non oritur actio. No action arises on an immoral contract.

Ex uno disces omnes. From one thing you can discern all.

Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. A wrong in capital cases is excused or palliated which would not be so treated in civil matters. Bacon's Max. Reg. 7.

Exceptio ejus rei cuius petitur dissolutio nulla est. There can be no plea of that thing of which the dissolution is sought. Jenk. Cent. 37.

Exceptio falsi omnium ultima. A false plea is the basest of all things.

Exceptio firmat regulam in contrarium. The exception affirms the rule in contrary cases. Bac. Aph. 17.

Exceptio firmat regulam in casibus non exceptis. The exception affirms the rule in cases not excepted. Bac. Aph. 17.

Exceptio nulla est versus actionem quae exceptionem perimit. There can be no plea against an action which entirely destroys the plea. Jenk. Cent. 106.

Exceptio probat regulam de rebus non exceptis. An exception proves the rule concerning things not excepted. 11 Co. 41.

Exceptio quoque regulam declarat. The exception also declares the rule. Bac. Aph. 17.

Exceptio semper ultima ponenda est. An exception is always to be put last. 9 Co. 53.

Executio est finis et fructus legis. An execution is the end and the fruit of the law. Co. Litt. 259.

Executio juris non habet injuriam. The execution of the law causes no injury. 2 Co. Inst. 482; Broom's Max. 57.

Exempla illustrent non restringunt legem. Examples illustrate and do not restrict the law. Co. Litt. 24.

Expedit reipublica ut sit finis litium. It is for the public good that there be an end of litigation. Co. Litt. 303.

Expressa nocent, non expressa non nocent. Things expressed may be prejudicial; things not expressed are not. See Dig. 50, 17, 195.

Expressio eorum quae facile sciunt nihil operatur. The expression of those things which are tacitly implied operates nothing.

Expressio unius est exclusio alterius. The expression of one thing is the exclusion of another.

Expressum facit cessare tacitum. What is expressed renders what is implied silent.

Extra legem positus est civiliter mortuus. One out of the pale of the law, (an outlaw,) is civilly dead.

Extra territorium jus dicenti non paretur impune. One who exercises jurisdiction out of his territory is not obeyed with impunity.

Facta sunt potentiora verbis. Facts are more powerful than words.

Factum à iudice quod ad ejus officium non spectat, non ratum est. An act of a judge which does not relate to his office, is of no force. 10 Co. 76.

Factum negantis nulla probatio. Negative facts are not proof.

Factum non dicitur quod non perseverat. It cannot be called a deed which does not hold out or persevere. 5 Co. 96.

Factum unius alteri nocere non debet. The deed of one should not hurt the other. Co. Litt. 152.

Facultas probationum non est angustanda. The faculty or right of offering proof is not to be narrowed. 4 Co. Inst. 279.

Falsa demonstratio non nocet. A false or mistaken description does not vitiate. 6 T. R. 676; see 2 Story's Rep. 291; 1 Greenl. Ev. § 301.

Falsa orthographia, sive falsa grammatica, non vitiat concessionem. False spelling or false grammar do not vitiate a grant. 9 Co. 48; Sheph. To. 55.

Falsus in uno, falsus in omnibus. False in one thing, false in everything. 1 Sumn. 356.

Fiat justitia ruat cælum. Let justice be done, though the heavens should fall.

Felonia implicat in quolibet prodicione. Felony is included or implied in every treason. 3 Co. Inst. 15.

Festinatio justitiæ est nocera infortunii. The hurrying of justice is the stepmother of misfortune. Hob. 97.

Fiat prout, fieri consuevit, nil temere norandum. Let it be done as formerly, let nothing be done rashly. Jenk. Cent. 116.

Fictio est contra veritatem, sed pro veritate habetur. Fiction is against the truth, but it is to have truth.

Finis rei attendendus est. The end of a thing is to be attended to. 3 Co. Inst. 51.

Finis suum litibus imponit. The end puts an end to litigation. 3 Inst. 78.

Finis unius diei est principium alterius. The end of one day is the beginning of another. 2 Buls. 305.

Firmior et potentior est operatio legis quam dispositio hominis. The disposition of law is firmer and more powerful than the will of man. Co. Litt. 102.

Flumina et portus publica sunt, ideoque jus piscandi omnibus commune est. Rivers and ports are public, therefore the right of fishing there is common to all.

Fœmina ab omnibus officiis civilibus vel publicis

remote sunt. Women are excluded from all civil and public charges or offices. Dig. 50, 17, 2.

Forma legalis forma essentialis. Legal form is essential form. 10 Co. 100.

Forma non observata, infertur annullatio actus. When form is not observed a nullity of the act is inferred. 12 Co. 7.

Forstallarius est pauperum depressor, et totius communitatis et patrie publicus inimicus. A fore-staller is an oppressor of the poor, and a public enemy to the whole community and the country. 3 Co. Inst. 196.

Fortior est custodia legis quam hominis. The custody of the law is stronger than that of man. 2 Roll. R. 325.

Fortior et potentior est dispositio legis quam hominis. The disposition of the law is stronger and more powerful than that of man. Co. Litt. 234.

Fraus est celare fraudem. It is a fraud to conceal a fraud. 1 Vern. 270.

Fraus est odiosa et non præsumentia. Fraud is odious and not to be presumed. Cro. Car. 550.

Fraus et dolus nemini patrocinari debent. Fraud and deceit should excuse no man. 3 Co. 78.

Fraus et jus nunquam cohabitant. Fraud and justice never agree together. Wing. 690.

Fraus laet in generalibus. Fraud lies hid in general expressions.

Fraus meretur fraudem. Fraud deserves fraud. Plow. 100. This is very doubtful morality.

Fructus pendentes pars fundi videntur. Hanging fruits make part of the land. Dig. 6, 1, 44; 2 Bouv. Inst. n. 1578. See *Larceny*.

Fructus perceptos ville non esse constat. Gathered fruits do not make a part of the house. Dig. 19, 1, 17, 1; 2 Bouv. Inst. n. 1578.

Frustrā est potentia quæ nunquam venit in actum. The power which never comes to be exercised is vain. 2 Co. 51.

Frustrā feruntur legis nisi subditis et obedientibus. Laws are made to no purpose unless for those who are subject and obedient. 7 Co. 13.

Frustrā legis auxilium quaerit qui in legem committit. Vainly does he who offends against the law, seek the help of the law.

Frustrā petis quod statim alteri reddere cogaris. Vainly you ask that which you will immediately be compelled to restore to another, Jenk. Cent. 256.

Frustrā probatur quod probatum non relevat. It is vain to prove that which if proved would not aid the matter in question.

Furiosus absentis loco est. The insane is compared to the absent. Dig. 50, 17, 24, 1.

Furiosus solo furore punitur. A madman is punished by his madness alone. Co. Litt. 247.

Furtum non est ubi initium habet detentionis per dominum rei. It is not theft where the commencement of the detention arises through the owner of the thing. 3 Co. Inst. 107.

Generale tantum valet in generalibus, quantum singulare singulis. What is general prevails or is worth as much among things general, as what is particular among things particular. 11 Co. 59.

Generale dictum generaliter est interpretandum. A general expression is to be construed generally. 8 Co. 116.

Generale nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.

Generalia sunt præponenda singularibus. General things are to be put before particular things.

Generalia verba sunt generaliter intelligenda. General words are understood in a general sense. 3 Co. Inst. 76.

Generalis clausula non porrigitur ad ea quæ antea specialiter sunt comprehensa. A general clause does not extend to those things which are previously provided for specially. 8 Co. 154.

Hæredem Deus facit, non homo. God and not man, makes the heir.

Hæredem est nomen collectivum. Heir is a collective name.

Hæris est nomen juris, filius est nomen naturæ. Heir is a term of law, son one of nature.

Hæres est aut jure proprietatis aut jure representationis. An heir is either by right of property or right of representation. 3 Co. 40.

Hæres est alter ipse, et filius est pars patris. An heir is another self, and a son is a part of the father.

Hæres est eadem persona cum antecessore. The heir is the same person with the ancestor. Co. Litt. 22.

Hæres hæredis mei est meus hæres. The heir of my heir is my heir.

Hæres legitimus est quem nuptiæ demonstrant. He is the lawful heir whom the marriage demonstrates.

He who has committed iniquity, shall not have equity. Francis' Max., Max. 2.

He who will have equity done to him, must do equity to the same person. 4 Bouv. Inst. n. 3723.

Hominum causæ jus constitutum est. Law is established for the benefit of man.

Id quod nostrum est, sine facto nostro ad alium transferri non potest. What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, without the consent of the owner, by a judgment of a competent tribunal.

Id certum est quod certum reddi potest. That is certain which may be rendered certain. 1 Bouv. Inst. n. 929; 2 Bl. Com. 143; 4 Kent, Com. 462; 4 Pick. 179.

Idem agens et patiens esse non potest. One cannot be agent and patient, in the same matter. Jenk. Cent. 40.

Idem est facere, et nolle prohibere cum possis. It is the same thing to do a thing as not to prohibit it when in your power. 3 Co. Inst. 158.

Idem est non probari et non esse; non deficit jus, sed probatio. What does not appear and what is not is the same; it is not the defect of the law, but the want of proof.

Idem est nihil dicere et insufficienter dicere. It is the same thing to say nothing and not to say it sufficiently. 2 Co. Inst. 178.

Idem est scire aut scire debet aut potuisse. To be able to know is the same as to know. This maxim is applied to the duty of every one to know the law.

Idem non esse et non apparere. It is the same thing not to exist and not to appear. Jenk. Cent. 207.

Idem semper antecedenti proximo refertur. The

same is always referred to its next antecedent. Co. Litt. 385.

Identitas vera colligitur ex multitudinem signorum. True identity is collected from a number of signs.

Id perfectum est quod ex omnibus suis partibus constat. That is perfect which is complete in all its parts. 9 Co. 9.

Id possumus quod de jure possumus. We may do what is allowed by law. Lane, 116.

Ignorantia excusatur, non juris sed facti. Ignorance of fact may excuse, but not ignorance of law. See *Ignorance*.

Ignorantia legis neminem excusat. Ignorance of law never excuses. See *Ignorance*; 4 Bouv. Inst. n. 3828.

Ignorantia facti excusat, ignorantia juris non excusat. Ignorance of facts excuses, ignorance of law does not excuse. 1 Co. 177; 4 Bouv. Inst. n. 3828. See *Ignorance*.

Ignorantia judicis est calamitas innocentis. The ignorance of the judge is the misfortune of the innocent. 2 Co. Inst. 591.

Ignorantia terminis ignoratur et ars. An ignorance of terms is to be ignorant of the art. Co. Litt. 2.

Illud quod alias licitum non est necessitas facit licitum, et necessitas inducit privilegium quod jure privat. That which is not otherwise permitted, necessity allows, and necessity makes a privilege which supercedes the law. 10 Co. 61.

Imperitia culpæ annumeratur. Ignorance, or want of skill, is considered a negligence, for which one who professes skill is responsible. Dig. 50, 17, 132; 1 Bouv. Inst. n. 1004.

Impersonalitas non concludit nec ligat. Impersonality neither concludes nor binds. Co. Litt. 352.

Impotentia excusat legem. Impossibility excuses the law. Co. Litt. 29.

Impunitas continuum affectum tribuit delinquenti. Impunity offers a continual bait to a delinquent. 4 Co. 45.

In alternativis electio est debitoris. In alternatives there is an election of the debtor.

In ædificiis lapis male positus non est removendus. A stone badly placed in a building is not to be removed. 11 Co. 69.

In equali jure melior est conditio possidentis. When the parties have equal rights, the condition of the possessor is the better. Mitf. Eq. Pl. 215; Jer. Eq. Jur. 285; 1 Madd. Ch. Pr. 170; Dig. 50, 17, 128. Plowd. 296.

In commodo hæc pactio, ne dolus præstetur, rata non est. If in a contract for a loan there is inserted a clause that the borrower shall not be answerable for fraud, such clause is void. Dig. 13, 6, 17.

In conjunctivis oportet utramque partem esse veram. In conjunctives each part ought to be true. Wing. 13.

In consimili casu consimile debet esse remedium. In similar cases the remedy should be similar. Hard. 65.

In contractibus, benigna; in testamentis, benignior; in restitutionibus, benignissima interpretatio facienda est. In contracts, the interpretation or construction should be liberal; in wills, more liberal; in restitutions, most liberal. Co. Litt. 112.

In conventibus contrahensium voluntatem potius quam verba spectari placuit. In the agreements of the contracting parties, the rule is to regard the intention rather than the words. Dig. 50, 16, 219.

In criminalibus, probationes debent esse luce clariores. In criminal cases, the proofs ought to be clearer than the light. 3 Co. Inst. 210.

In criminalibus sufficit generalis malitia intentionis cum facto paris gradus. In criminal cases a general intention is sufficient, when there is an act of equal or corresponding degree. Bacon's Max. Reg. 15.

In disjunctivis sufficit alteram partem esse veram. In disjunctives, it is sufficient if either part be true. Wing. 13.

In dubiis magis dignum est accipiendum. In doubtful cases the more worthy is to be taken. Branch's Prin. h. t.

In dubiis non præsumitur pro testamento. In doubtful cases there is no presumption in favor of the will. Cro. Car. 51.

In dubio hæc legis constructio quam verba ostendunt. In a doubtful case, that is the construction of the law which the words indicate. Br. Pr. h. t.

In dubio pars melior est sequenda. In doubt, the gentler course is to be followed.

In dubio, sequendum quod tutius est. In doubt, the safer course is to be adopted.

In eo quod plus sit, semper inest et minus. The less is included in the greater. 50, 17, 110.

In facto quod se habet ad bonum et malum magis de bono quam de malo lex intendit. In a deed which may be considered good or bad, the law looks more to the good than to the bad. Co. Litt. 78.

In favorabilibus magis attenditur quod prodest quam quod nocet. In things favored what does good is more regarded than what does harm. Bac. Max. in Reg. 12.

In fictione juris, semper subsistit æquitas. In a fiction of law, equity always subsists. 11 Co. 51.

In judiciis minori ætati succurritur. In judicial proceedings, infancy is aided or favored.

In judicio non creditur nisi juratis. In law none is credited unless he is sworn. All the facts must when established, by witnesses, be under oath or affirmation. Cro. Car. 64.

In jure non remota causa, sed proxima spectatur. In law the proximate, and not the remote cause, is to be looked to. Bacon's Max. Reg. 1.

In majore summa continetur minor. In the greater sum is contained the less. 5 Co. 115.

In maleficio rati habitio mandato comparatur. He who ratifies a bad action is considered as having ordered it. Dig. 50, 17, 152, 2.

In mercibus illicitis non sit commercium. No commerce should be in illicit goods. 3 Kent, Com. 262, n.

In maximâ potentia minima licentia. In the greater power is included the smaller license Hob. 159.

In obscuris, quod minimum est, sequitur. In obscure cases, the milder course ought to be pursued. Dig. 50, 17, 9.

In odium spoliatoris omnia præsumuntur. All things are presumed in odium of a despoiler. 1 Vern. 19.

In omni re nascitur res qua ipsam rem exterminat. In everything, the thing is born which destroys the thing itself. 2 Co. Inst. 15.

In omnibus contractibus, sive nominatis sive innominatis, permutatio continetur. In every contract, whether nominate or innominate, there is implied a consideration.

In omnibus quidem, maxime tamen in jure, æquitas spectanda sit. In all affairs, and principally in those

which concern the administration of justice, the rules of equity ought to be followed. Dig. 50, 17, 90.

In omnibus obligationibus, in quibus dies non ponitur, presenti die debetur. In all obligations when no time is fixed for the payment, the thing is due immediately. Dig. 50, 17, 14.

In presentia majoris potestatis, minor potestas cessat. In the presence of the superior power, the minor power ceases. Jenk. Cent. 214.

In pari causa possessor potior haberi debet. When two parties have equal rights, the advantage is always in favor of the possessor. Dig. 50, 17, 128.

In pari causa possessor potior est. In an equal case, better is the condition of the possessor. Dig. 50, 17, 128; Poth. Vente, n. 320; 1 Bouv. Inst. n. 952.

In pari delicto melior est conditio possidentis. When the parties are equally in the wrong, the condition of the possessor is better. 11 Wheat. 258; 3 Cranch, 244; Cowp. 341; Broom's Max. 325; 4 Bouv. Inst. n. 3724.

In propria causa nemo iudex. No one can be judge in his own cause.

In quo quis delinquit, in eo de jure est puniendus. In whatever thing one offends, in that he is rightfully to be punished. Co. Litt. 233.

In re propria iniquum admodum est alicui licentiam tribuere sententia. It is extremely unjust that any one should be judge in his own cause.

In re dubia magis inficiatio quam affirmatio intelligenda. In a doubtful matter, the negative is to be understood rather than the affirmative. Godb. 37.

In republica maxima conservanda sunt jura belli. In the state the laws of war are to be greatly preserved. 2 Co. Inst. 58.

In restitutionem, non in penam heres succedit. The heir succeeds to the restitution not the penalty. 2 Co. Inst. 198.

In restitutionibus benignissima interpretatio facienda est. The most favorable construction is made in restitutions. Co. Litt. 112.

In suo quisque negotio hebetior est quam in alieno. Every one is more dull in his own business than in that of another. Co. Litt. 377.

In toto et pars continetur. A part is included in the whole. Dig. 50, 17, 113.

In traditionibus scriptorum non quod dictum est, sed quod gestum est, inspicitur. In the delivery of writing, not what is said, but what is done is to be considered. 9 Co. 137.

Incerta pro nullius habentur. Things uncertain are held for nothing. Dav. 33.

Incerta quantitas vitiat actum. An uncertain quantity vitiates the act. 1 Roll. R. 465.

In civile est nisi tota sententia inspecit, de aliqua parte judicare. It is improper to pass an opinion on any part of a sentence, without examining the whole. Hob. 171.

Inclusio unius est exclusio alterius. The inclusion of one is the exclusion of another. 11 Co. 58.

Incommodum non solvit argumentum. An inconvenience does not solve an argument.

Indefinitum aequipolet universali. The undefined is equivalent to the whole. 1 Vent. 368.

Indefinitum supplet locum universalis. The undefined supplies the place of the whole. Br. Pr. h. t.

Independenter se habet assecuratio a viaggio navis. The voyage insured is an independent or distinct thing from the voyage of the ship. 3 Kent, Com. 318, n.

Index animi sermo. Speech is the index of the mind.

Inesse potest donationi, modus, conditio sive causa; ut modus est; si conditio; quia causa. In a gift there may be manner, condition and cause; as, (ut), introduces a manner; if, (si), a condition; because, (quia), a cause. Dy. 138.

Infinium in jure reprobatur. That which is infinite or endless is reprehensible in law. 9 Co. 45.

Iniquum est alios permittere, alios inhibere mercaturam. It is inequitable to permit some to trade, and to prohibit others. 8 Co. Inst. 181.

Iniquum est aliquem rei sui esse judicem. It is against equity for any one to be judge in his own cause. 12 Co. 13.

Iniquum est ingenuis hominibus non esse liberam rerum suarum alienationem. It is against equity to deprive freemen of the free disposal of their own property. Co. Litt. 223. See 1 Bouv. Inst. n. 455, 460.

Injuria non presumitur. A wrong is not presumed. Co. Litt. 232.

Injuria propria non cadet in beneficium facientis. One's own wrong shall not benefit the person doing it.

Injuria fit ei cui convicium dictum est, vel de eo factum carmen famosum. It is a slander of him of whom a reproachful thing is said, or concerning whom an infamous song is made. 9 Co. 60.

Intentio ceca, mala. A hidden intention is bad. 2 Buls. 179.

Intentio inservire debet legibus, non leges intentioni. Intentions ought to be subservient to the laws, not the laws to intentions. Co. Litt. 314.

Intentio mea imponit nomen operi meo. My intention gives a name to my act. Hob. 123.

Interest reipublice ne maleficia remaneant impunita. It concerns the commonwealth that crimes do not remain unpunished. Jenk. Cent. 30, 31.

Interest reipublice res judicatae non rescindi. It concerns the commonwealth that things adjudged be not rescinded. Vide Res judicata.

Interest reipublice quod homines conserventur. It concerns the commonwealth that we be preserved. 12 Co. 62.

Interest reipublice ut qualibet re sua bene utatur. It concerns the commonwealth that every one use his property properly. 6 Co. 37.

Interest reipublice ut carceres sint in tuto. It concerns the commonwealth that prisons be secure. 2 Co. Inst. 589.

Interest reipublice suprema hominum testamenta rata haberi. It concerns the commonwealth that men's last wills be sustained. Co. Litt. 236.

Interest reipublice ut sit finis litium. It concerns the commonwealth that there be an end of law suits. Co. Litt. 303.

Interpretare et concordare leges legibus est optimus interpretandi modus. To interpret and reconcile laws so that they harmonize is the best mode of construction. 8 Co. 169.

Interpretatio fienda est ut res magis valeat quam pereat. That construction is to be made so that the subject may have an effect rather than none. Jenk. Cent. 198.

Interpretatio talis in ambiguis semper fienda, ut evitetur inconveniens et absurdum. In ambiguous things, such a construction is to be made, that what is inconvenient and absurd is to be avoided. 4 Co. Inst. 328.

Interruptio multiplex non tollit prescriptionem semel obtentam. Repeated interruptions do not defeat a prescription once obtained. 2 Co. Inst. 654.

Inutilis labor, et sine fructu, non est effectus legis. Useless labor and without fruit, is not the effect of law. Co. Litt. 127.

Inuito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide *Assenti*.

Ipsa legis cupiunt ut jure regantur. The laws themselves require that they should be governed by right. Co. Litt. 174.

Judex ante oculos equitatem semper habere debet. A judge ought always to have equity before his eyes. Jenk. Cent. 58.

Judex equitatem semper spectare debet. A judge ought always to regard equity. Jenk. Cent. 45.

Judex bonus nihil ex arbitrio suo faciat, nec propositione domestica voluntatis, sed juxta legis et jura pronunciet. A good judge should do nothing from his own judgment, or from the dictates of his private wishes; but he should pronounce according to law and justice. 7 Co. 27.

Judex debet judicare secundum allegata et probata. The judge ought to decide according to the allegation and the proof.

Judex est lex loquens. The judge is the speaking law. 7 Co. 4.

Judex non potest esse testis in propria causa. A judge cannot be a witness in his own cause. 4 Co. Inst. 279.

Judex non potest injuriam sibi datum punire. A judge cannot punish a wrong done to himself. 12 Co. 113.

Judex damnatur cum nocens absolvitur. The judge is condemned when the guilty are acquitted.

Judex non reddat plus quam quod petens ipse requirit. The judge does demand more than the plaintiff demands. 2 Inst. 286.

Judici officium suum excedenti non paretur. To a judge who exceeds his office or jurisdiction no obedience is due. Jenk. Cent. 139.

Judici satis pena est quod Deum habet ultorem. It is punishment enough for a judge that he is responsible to God. 1 Leon. 295.

Judicia in deliberationibus crebro maturescunt, in accelerato processu nunquam. Judgments frequently become matured by deliberation, never by hurried process. 3 Co. Inst. 210.

Judicia posteriora sunt in lege fortiora. The latter decisions are stronger in law. 8 Co. 97.

Judicia sunt tanquam juris dicta, et pro veritate accipiuntur. Judgments are, as it were, the dicta or sayings of the law, and are received as truth. 2 Co. Inst. 573.

Judiciis posterioribus fides est adhibenda. Faith or credit is to be given to the last decisions. 13 Co. 14.

Judicis est in pronuntiando sequi regulam, exceptione non probata. The judge in his decision ought to follow the rule, when the exception is not made apparent.

Judicis est judicare secundum allegata et probata. A judge ought to decide according to the allegations and proofs. Dyer, 12.

Judicium a non suo iudice datum nullius est momenti. A judgment given by an improper judge is of no moment. 11 Co. 76.

Judicium non debet esse illusorium, suum effectum habere debet. A judgment ought not to be illusory, it ought to have its consequence. 2 Inst. 341.

Judicium redditur in iurium, in presumptione legis. In presumption of law, a judgment is given against inclination. Co. Litt. 248.

Judicium semper pro veritate accipitur. A judgment is always taken for truth. 2 Co. Inst. 380.

Jura sanguinis nullo jure civili dirimi possunt. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon's Max. Reg. 11.

Jura natura sunt immutabilia. The laws of nature are unchangeable.

Jura eodem modo destruantur quo constituuntur. Laws are abrogated or repealed by the same means by which they are made.

Juramentum est indivisibile, et non est admittendum in parte verum et in parte falsum. An oath is indivisible, it cannot be in part true and in part false.

Jurato creditur in judicio. He who makes oath is to be believed in judgment.

Jurare est Deum in testum vocare, et est actus divini cultus. To swear is to call God to witness, and is an act of religion. 3 Co. Inst. 165. Vide 3 Bouv. Inst. n. 3180, note; 1 Benth. Rat. of Jud. Ev. 376, 371, note.

Juratores sunt iudices facti. Juries are the judges of the facts. Jenk. Cent. 58.

Juris effectus in executione consistit. The effect of a law consists in the execution. Co. Litt. 289.

Jus accrescendi inter mercatores locum non habet, pro beneficio commercii. The right of survivorship does not exist among merchants for the benefit of commerce. Co. Litt. 182; 1 Bouv. Inst. n. 682.

Jus accrescendi præfertur oneribus. The right of survivorship is preferred to incumbrances. Co. Litt. 185.

Jus accrescendi præfertur ultimæ voluntati. The right of survivorship is preferred to a last will. Co. Litt. 1856.

Jus descendit et non terra. A right descends, not the land. Co. Litt. 345.

Jus est ars boni et aequi. Law is the science of what is good and evil. Dig. 1, 1, 1, 1.

Jus et fraudem nunquam cohabitant. Right and fraud never go together.

Jus ex injuria non oritur. A right cannot arise from a wrong. 4 Bing. 639.

Jus publicum privatorum pactis mutari non potest. A public right cannot be changed by private agreement.

Jus respicit æquitatem. Law regards equity. Co. Litt. 24.

Jus superveniens auctori accrescit successori. A right growing to a possessor accrues to a successor.

Justicia est virtus excellens et altissimo complacens. Justice is an excellent virtue and pleasing to the Most High. 4 Inst. 58.

Justitia nemine neganda est. Justice is not to be denied. Jenk. Cent. 178.

Justitia non est neganda, non differenda. Justice is not to be denied nor delayed. Jenk. Cent. 93.

Justitia non novit patrem nec matrem, solum veritatem spectat justitia. Justice knows neither father nor mother, justice looks to truth alone. 1 Buls. 199.

La conscience est la plus changeante des règles. Conscience is the most changeable of rules.

Lata culpa dolo æquiparatur. Gross negligence is equal to fraud.

Le contrat fait la loi. The contract makes the law.

Legatos violare contra jus gentium est. It is contrary to the law of nations to violate the rights of ambassadors.

Legatum morte testatoris tantum confirmatur, sicut donatio inter vivos traditione solâ. A legacy is confirmed by the death of the testator, in the same manner as a gift from a living person is by delivery alone. Dyer, 143.

Leges posteriores priores contrarias abrogant. Subsequent laws repeal those before enacted to the contrary. 2 Rol. R. 410; 11 Co. 626, 630.

Leges humana nascuntur, vivunt et moriuntur. Human laws are born, live and die. 7 Co. 25.

Leges non verbis sed rebus sunt impositæ. Laws, not words, are imposed on things. 10 Co. 101.

Legibus sumptis disinentibus, lege natura utendum est. When laws imposed by the state fail, we must act by the law of nature. 2 Roll. R. 298.

Legis constructio non facit injuriam. The construction of law does no wrong. Co. Litt. 183.

Legis figendi et refigendi consuetudo periculosissima est. The custom of fixing and refixing (making and annulling) laws is most dangerous. 4 Co. Ad. Lect.

Legis interpretatio legis vim obtinet. The construction of law obtains the force of law.

Legislatorum est viva vox, rebus et non verbis, legem imponere. The voice of legislators is a living voice, to impose laws on things and not on words. 10 Co. 101.

Legis minister non tenetur, in executione officii sui fugere aut retrocedere. The minister of the law is not bound, in the execution of his office, neither to fly nor retreat. 6 Co. 68.

Legitime imperanti parere necesse est. One who commands lawfully must be obeyed. Jenk. Cent. 120.

Les fictions naissent de la loi, et non la loi des fictions. Fictions arise from the law, and not law from fictions.

Lex aliquando sequitur æquitatem. The law sometimes follows equity. 3 Wils. 119.

Lex æquitate gaudet; appetit perfectum; est norma recti. The law delights in equity; it covets perfection; it is a rule of right. Jenk. Cent. 36.

Lex beneficialis rei consimili remedium præstat. A beneficial law affords a remedy in a similar case. 2 Co. Inst. 689.

Lex citius tolerare vult privatum damnum quam publicum malum. The law would rather tolerate a private wrong than a public evil. Co. Litt. 152.

Lex de futuro, judex de præterito. The law provides for the future, the judge for the past.

Lex deficere non potest in justitiâ exhibendâ. The law ought not to fail in dispensing justice. Co. Litt. 197.

Lex dilations semper exhorret. The law always abhors delay. 2 Co. Inst. 240.

Lex est ab æterno. The law is from everlasting.

Lex est dictamen rationis. Law is the dictate of reason. Jenk. Cent. 117.

Lex est norma recti. Law is a rule of right.

Lex est ratio summa, quæ jubet quæ sunt utilia et necessaria, et contraria prohibet. Law is the perfection of reason, which commands what is useful and necessary and forbids the contrary. Co. Litt. 319.

Lex est sanctio sancta, jubens honesta, et prohibens contraria. Law is a sacred sanction, commanding what is right and prohibiting the contrary. 2 Cc. Inst. 587.

Lex favet doli. The law favors dower.

Lex fingit ubi subsistit æquitas. Law feigns where equity subsists. 11 Co. 90.

Lex intendit vicinum vicini facta scire. The law presumes that one neighbor knows the actions of another. Co. Litt. 78.

Lex judicat de rebus necessario faciendis quasre ipsa facit. The law judges of things which must necessarily be done, as if actually done.

Lex necessitatis est lex temporis, i. e. instantis. The law of necessity is the law of time, that is, time present. Hob. 159.

Lex neminem cogit ad vana seu inutilia peragenda. The law forces no one to do vain or useless things.

Lex nemini facit injuriam. The law does wrong to no one.

Lex nemini operatur iniquum, nemini facit injuriam. The law never works an injury, or does him a wrong. Jenk. Cent. 22.

Lex nil facit frustra, nil jubet frustra. The law does nothing and commands nothing in vain. 3 Buls. 279; Jenk. Cent. 17.

Lex non cogit impossibilia. The law requires nothing impossible. Co. Litt. 231, b; 1 Bouv. Inst. n. 951.

Lex non curat de minimis. The law does not regard small matters. Hob. 88.

Lex non cogit ad impossibilia. The law forces not to impossibilities. Hob. 96.

Lex non præcipit inutilia, quia inutilis labor stultus. The law commands not useless things, because useless labor is foolish. Co. Litt. 197.

Lex non deficit in justitiâ exhibenda. The law does not fail in showing justice.

Lex non intendit aliquid impossibile. The law intends not anything impossible. 12 Co. 89.

Lex non requirit verificare quod apparet curiæ. The law does not require that to be proved, which is apparent to the court. 9 Co. 54.

Lex plus laudatur quando ratione probatur. The law is the more praised when it is consonant to reason.

Lex prospicit, non respicit. The law looks forward, not backward.

Lex punit mendacium. The law punishes falsehood.

Lex rejicit superflua, pugnantia, incongrua. The law rejects superfluous, contradictory and incongruous things.

Lex reprobatur moram. The law dislikes delay.

Lex semper dabit remedium. The law always gives a remedy. 3 Bouv. Inst. n. 2411.

Lex spectat naturæ ordinem. The law regards the order of nature. Co. Litt. 197.

Lex succurrit ignorantibus. The laws succor the ignorant.

Lex semper intendit quod convenit ratione. The law always intends what is agreeable to reason. Co. Litt. 78.

Lex uno ore omnes alloquitur. The law speaks to all with one mouth. 2 Inst. 184.

Libertas inestimabilis res est. Liberty is an inestimable good. Dig. 50, 17, 106.

Liberum corpus estimationem non recipit. The body of a freeman does not admit of valuation.

Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio præcedens quæ fortioratur

effectum interveniente novo actu. Although the grant of a future interest be inoperative, yet a declaration precedent may be made, which may take effect, provided a new act intervene. Bacon's Max. Reg. 14.

Licita bene miscentur, formula nisi juris obstat. Things permitted should be well contrived, lest the form of the law oppose. Bacon's Max. Reg. 24.

Linea recta semper præfertur transversali. The right line is always preferred to the collateral. Co. Litt. 10.

Locus contractus regit actum. The place of the contract governs the act.

Longa possessio est pacis jus. Long possession is the law of peace. Co. Litt. 6.

Longa possessio parit jus possidendi, et tollit actionem vero domino. Long possession produces the right of possession, and takes away from the true owner his action. Co. Litt. 110.

Longum tempus, et longus usus qui excedit memoria hominum, sufficit pro jure. Long time and long use, beyond the memory of man, suffices for right. Co. Litt. 115.

Loquendum ut vulgus, sentiendum ut docti. We speak as the common people, we must think as the learned. 7 Co. 11.

Magister rerum usus; magistra rerum experientia. Use is the master of things; experience is the mistress of things. Co. Litt. 69, 229.

Magna negligentia culpa est, magna culpa dolus est. Gross negligence is a fault, gross fault is a fraud. Dig. 50, 16, 226.

Magna culpa dolus est. Great neglect is equivalent to fraud. Dig. 50, 16, 226; 2 Spears, R. 256; 1 Bouv. Inst. n. 646.

Mayhemum est inter crimina majora minimum, et inter minora maximum. Mayhem is the least of great crimes, and the greatest of small. Co. Litt. 127.

Mayhemum est homicidium inchoatum. Mayhem is incipient homicide. 3 Inst. 118.

Major hæreditas venit unicuique nostrum à jure et legibus quam à parentibus. A greater inheritance comes to every one of us from right and the laws than from parents. 2 Co. Inst. 56.

Major numerus in se continet minorem. The greater number contains in itself the less.

Majoræ panæ affectus quam legibus statuta est, non est infamis. One affected with a greater punishment than is provided by law, is not infamous. 4 Co. Inst. 66.

Majori continet in se minus. The greater includes the less. 19 Vin. Abr. 379.

Majus dignum trahit in se minus dignum. The more worthy or the greater draws to it the less worthy or the lesser. 5 Vin. Abr. 584, 586.

Majus est delictum seipsum occidere quam alium. It is a greater crime to kill one's self than another.

Mala grammatica non vitiant chartam; sed in expositione instrumentorum mala grammatica quoad fieri possunt vitanda est. Bad grammar does not vitiate a deed; but in the construction of instruments, bad grammar, as far as it can be done, is to be avoided. 6 Co. 39.

Maledicta est expositio quæ corrumpit textum. It is a bad construction which corrupts the text. 4 Co. 35.

Malificia non debent remanere impunita, et impunitas continuum affectum tribuit delinquenti.

Evil deeds ought not to remain unpunished, for impunity affords continual excitement to the delinquent. 4 Co. 45.

Malificia propositus distinguuntur. Evil deeds are distinguished from evil purposes. Jenk. Cent. 290.

Malitia est acida, est mali animi affectus. Malice is sour, it is the quality of a bad mind. 2 Buls. 49.

Malitia supplet ætatem. Malice supplies age. Dyer, 104. See *Malice*.

Malum hominum est obviandum. The malice of men is to be avoided. 4 Co. 15.

Malum non præsumitur. Evil is not presumed. 4 Co. 72.

Malum quo communius eo pejus. The more common the evil, the worse.

Malus usus est abolendus. An evil custom is to be abolished. Co. Litt. 141.

Mandata licita recipiunt strictam interpretationem, sed illicita latam et extensam. Lawful commands receive a strict interpretation, but unlawful, a wide or broad construction. Bacon's Max. Reg. 16.

Mandatarius terminos sibi positos transgredi non potest. A mandatory cannot exceed the bounds of his authority. Jenk. Cent. 53.

Mandatum nisi gratuitum nullum est. Unless a mandate is gratuitous it is not a mandate. Dig. 17, 1, 4; Inst. 3, 27; 1 Bouv. Inst. n. 1070.

Manifesta probatione non indigent. Manifest things require no proof. 7 Co. 40.

Maris et feminae conjunctio est de jure naturæ. The union of husband and wife is founded on the law of nature. 7 Co. 13.

Matrimonia debent esse libera. Marriages ought to be free.

Matrimonium subsequens tollit peccatum præcedens. A subsequent marriage cures preceding criminality.

Maxime ita dicta quia maxima ejus dignitas et certissima auctoritas, atque quod maxime omnibus probetur. A maxim is so called because its dignity is chiefest, and its authority the most certain, and because universally approved by all. Co. Litt. 11.

Maxime paci sunt contraria, vis et injuria. The greatest enemies to peace are force and wrong. Co. Litt. 161.

Melior est justitia vere præveniens quam severe puniens. That justice which justly prevents a crime, is better than that which severely punishes it.

Melior est conditio possidentis et rei quam actoris. Better is the condition of the possessor and that of the defendant than that of the plaintiff. 4 Co. Inst. 180.

Melior est causa possidentis. The cause of the possessor is preferable. Dig. 50, 17, 126, 2.

Melior est conditio possidentis, ubi neuter jus habet. Better is the condition of the possessor, where neither of the two has a right. Jenk. Cent. 118.

Meliorum conditionem suam facere potest minor, deteriorem nequaquam. A minor can improve or make his condition better, but never worse. Co. Litt. 337.

Melius est omnia mala pati quam malo consentire. It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Melius est recurrere quam malo currere. It is better to recede than to proceed in evil. 4 Inst. 176.

Melius est in tempore occurrere, quam post causam

vulneratum remedium querere. It is better to restrain or meet a thing in time, than to seek a remedy after a wrong has been inflicted. 2 Inst. 299.

Mens testatoris in testamentis spectanda est. In wills, the intention of the testator is to be regarded. Jenk. Cent. 277.

Mentiri est contra mentem ire. To lie is to go against the mind. 8 Buls. 260.

Merx est quidquid vendi potest. Merchandise is whatever can be sold. 3 Metc. 365. Vide *Merchandise*.

Mercis appellatio ad res mobiles tantum pertinet. The term merchandise belongs to movable things only. Dig. 50, 16, 66.

Minima pena corporalis est major qualibet pecuniaria. The smallest bodily punishment is greater than any pecuniary one. 2 Inst. 220.

Minime mutanda sunt quae certum habuerent interpretationem. Things which have had a certain interpretation are to be altered as little as possible. Co. Litt. 365.

Minor ante tempus agere non potest in casu proprietatis, nec etiam convenire. A minor before majority cannot act in a case of property, nor even agree. 2 Inst. 291.

Minor minorem custodire non debet, alios enim praesumitur male regere qui seipsum regere nescit. A minor ought not to be guardian of a minor, for he is unfit to govern others who does not know how to govern himself. Co. Litt. 88.

Miseria est servitus, ubi jus est vagum aut incertum. It is a miserable slavery where the law is vague or uncertain. 4 Co. Inst. 246.

Milites imperanti melius paretur. The more mildly one commands the better is he obeyed. 3 Co. Inst. 24.

Mobilia personam sequuntur, immobilia situm. Movable things follow the person, immovable their locality.

Modica circumstantia facti jus mutat. The smallest circumstance may change the law.

Modus et conventio vincunt legem. Manner and agreement overrule the law. 2 Co. 73.

Modus legem dat donationi. The manner gives law to a gift. Co. Litt. 19 a.

Moneta est justum medium et mensura rerum commutabilium, nam per medium monetae fit omnis rerum conveniens, et justa aestimatio. Money is the just medium and measure of all commutable things, for, by the medium of money, a convenient and just estimation of all things is made. Dav. 18. See 1 Bouv. Inst. n. 922.

Mora reprobat in lege. Delay is disapproved of in law.

Mors dicitur ultimum supplicium. Death is denominated the extreme penalty. 3 Inst. 212.

Mors omnia solvit. Death dissolves all things.

Mortuus exilis non est exilus. To be dead born is not to be born. Co. Litt. 29. See 2 Paige, 35; Domat, liv. prél. t. 2, s. 1, n. 4, 6; 2 Bouv. Inst. n. 1721 and 1935.

Multa conceduntur per obliquum quae non conceduntur de directo. Many things are conceded indirectly which are not allowed directly. 6 Co. 47.

Multa in jure communi contra rationem disputandi pro communi utilitate introducta sunt. Many things have been introduced into the common law, with a view to the public good, which are inconsistent with sound reason. Co. Litt. 70; Broom's

Max. 67; 2 Co. R. 75. See 3 T. R. 146; 7 T. R. 252.

Multa multo exercitatione facilius quam regulis percipies. You will perceive many things more easily by practice than by rules. 4 Co. Inst. 50.

Multa non velat lex, quae tamen tacite damnavit. The law forbids many things, which yet it has silently condemned.

Multa transeunt cum universitate quae non per se transeunt. Many things pass as a whole which would not pass separately.

Multi multa, non omnia novit. Many men know many things, no one knows everything. 4 Co. Inst. 348.

Multiplex et indistinctum parit confusionem; et quaestiones quo simpliciores, eo lucidiores. Multiplicity and indistinctness produce confusion; the more simple questions are the more lucid. Hob. 335.

Multiplicata transgressione crescat poena inflictio. The increase of punishment should be in proportion to the increase of crime. 2 Co. Inst. 479.

Multitudo errantium non parit errori patrocinium. The multitude of those who err is no excuse for error. 11 Co. 75.

Multitudo imperitorum perdit curiam. A multitude of ignorant practitioners destroys a court. 2 Co. Inst. 219.

Natura appetit perfectum, ita et lex. Nature aspires to perfection, and so does the law. Hob. 144.

Natura non facit saltum, ita nec lex. Nature makes no leap, nor does the law. Co. Litt. 238.

Natura non facit vacuum, nec lex supervacuum. Nature makes no vacuum, the law no supervacuum. Co. Litt. 79.

Natura vis maxima, natura bis maxima. The force of nature is greatest; nature is doubly great. 2 Co. Inst. 564.

Necessarium est quod non potest aliter se habere. That is necessity which cannot be dispensed with.

Necessitas est lex temporis et loci. Necessity is the law of a particular time and place. 8 Co. 69; H. H. P. C. 54.

Necessitas excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. Necessity excuses or extenuates delinquency in capital cases, but not in civil. Vide *Necessity*.

Necessitas facit licitum quod alias non est licitum. Necessity makes that lawful which otherwise is unlawful. 10 Co. 61.

Necessitas inducit privilegium quoad jura privata. Necessity gives a preference with regard to private rights. Bacon's Max. Reg. 5.

Necessitas non habet legem. Necessity has no law. Plowd. 18. See *Necessity*, and 15 Vin. Ab. 534; 22 Vin. Ab. 540.

Necessitas publica major est quam privata. Public necessity is greater than private. Bacon's Max. in Reg. 5.

Necessitas quod cogit, defendit. Necessity defends what it compels. H. H. P. C. 54.

Necessitas vincit legem. Necessity overcomes the law. Hob. 144.

Negatio conclusionis est error in lege. The negative of a conclusion is error in law. Wing. 268.

Negatio destruit negationem, et ambæ faciunt affirmativum. A negative destroys a negative, and both make an affirmative. Co. Litt. 146.

Negatio duplex est affirmatio. A double negative is an affirmative.

Negligentia semper habet infortuniam comitem. Negligence has misfortune for a companion. Co. Litt. 246.

Neminem oportet esse sapientiores legibus. No man ought to be wiser than the law. Co. Litt. 97.

Nemo admittendus est inhabilitare seipsum. No one is allowed to incapacitate himself. Jenk. Cent. 40. Sed vide *To stultify*, and 5 Whart. 371.

Nemo agit in seipsum. No man acts against himself; Jenk. Cent. 40; therefore no man can be a judge in his own cause.

Nemo allegans suam turpitudinem, audiendus est. No one alleging his own turpitude is to be heard as a witness. 4 Inst. 279.

Nemo bis punitur pro eodem delicto. No one can be punished twice for the same crime or misdemeanor. See *Non bis in idem*.

Nemo cogitur rem suam vendere, etiam justo pretio. No one is bound to sell his property, even for a just price. Sed vide *Eminent Domain*.

Nemo contra factum suum venire potest. No man can contradict his own deed. 2 Inst. 66.

Nemo damnus facit, nisi qui id fecit quod facere jus non habet. No one is considered as committing damages, unless he is doing what he has no right to do. Dig. 50, 17, 151.

Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.

Nemo de domo sua extrahi debet. A citizen cannot be taken by force from his house to be conducted before a judge or to prison. Dig. 50, 17, 103. This maxim in favor of Roman liberty is much the same as that every man's house is his castle.

Nemo debet bis puniri pro uno delicto. No one ought to be punished twice for the same offence. 4 Co. 43.

Nemo debet esse iudex in propria causa. No one should be judge in his own cause. 12 Co. 113.

Nemo debet ex aliena jactura lucrari. No one ought to gain by another's loss.

Nemo debet immiscere se rei alienae ad se nihil pertinenti. No one should interfere in what no way concerns him.

Nemo debet rem suam sine facto aut defectu suo amittere. No one should lose his property without his act or negligence. Co. Litt. 263.

Nemo est hares viventes. No one is an heir to the living. 2 Bl. Com. 107; 1 Vin. Ab. 104, tit. Abeyance; Merl. Rép. verbo Abeyance; Co. Litt. 342; 2 Bouv. Inst. n. 1694, 1632.

Nemo ex suo delicto meliorem suam conditionem facere potest. No one can improve his condition by a crime. Dig. 50, 17, 137.

Nemo ex alterius facto prægavari debet. No man ought to be burdened in consequence of another's act.

Nemo ex consilio obligatur. No man is bound for the advice he gives.

Nemo in propria causa testis esse debet. No one can be a witness in his own cause. But to this rule there are many exceptions.

Nemo inauditus condemnari debet, si non sit contumax. No man ought to be condemned unheard, unless he be contumacious.

Nemo nascitur artifex. No one is born an artist. Co. Litt. 97.

Nemo patriam in qua natus est exuere, nec lige-

antia debitum ejurare possit. No man can renounce the country in which he was born, nor abjure the obligation of his allegiance. Co. Litt. 129. Sed vide *Allegiance*; *Expatriation*; *Naturalization*.

Nemo plus juris ad alienum transferre potest, quam ipse habet. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175.

Nemo præsens nisi intelligat. One is not present unless he understands. See *Presence*.

Nemo potest contra recordum verificare per patriam. No one can verify by the country against a record. The issue upon a record cannot be tried by a jury.

Nemo potest esse tenens et dominus. No man can be at the same time tenant and landlord of the same tenement.

Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by himself.

Nemo potest sibi debere. No one can owe to himself. See *Confusion of rights*.

Nemo præsuntur alienam posteritatem suæ prætulisse. No one is presumed to have preferred another's posterity to his own.

Nemo præsuntur donare. No one is presumed to give.

Nemo præsuntur esse immemor suæ æternæ salutis, et maxime in articulo mortis. No man is presumed to be forgetful of his eternal welfare, and particularly at the point of death. 6 Co. 76.

Nemo præsuntur malus. No one is presumed to be bad.

Nemo præsuntur ludere in extremis. No one is presumed to trifle at the point of death.

Nemo prohibetur plures negotiationes sive artes exercere. No one is restrained from exercising several kinds of business or arts. 11 Co. 54.

Nemo prohibetur pluribus defensionibus uti. No one is restrained from using several defences. Co. Litt. 304.

Nemo prudens punit ut præterita revocentur, sed ut futura præveniantur. No wise one punishes that things done may be revoked, but that future wrongs may be prevented. 3 Buls. 173.

Nemo punitur pro alieno delicto. No one is to be punished for the crime or wrong of another.

Nemo punitur sine injuria, facto, seu defaulto. No one is punished unless for some wrong, act or default. 2 Co. Inst. 287.

Nemo, qui condemnare potest, absolvere non potest. He who may condemn may acquit. Dig. 50, 17, 37.

Nemo tenetur seipsum accusare. No one is bound to accuse himself.

Nemo tenetur ad impossibile. No one is bound to an impossibility.

Nemo tenetur armare adversarium contra se. No one is bound to arm his adversary.

Nemo tenetur divinare. No one is bound to foretell. 4 Co. 28.

Nemo tenetur informare qui nescit, sed quisquis scire quod informat. No one is bound to inform about a thing he knows not, but he who gives information is bound to know what he says. Lane, 110.

Nemo tenetur jurare in suam turpitudinem. No one is bound to testify to his own baseness.

Nemo tenetur seipsam infortunis et periculis exponere. No one is bound to expose himself to misfortune and dangers. Co. Litt. 253.

Nemo tenetur seipsum accusare. No man is bound to accuse himself.

Nemo videtur fraudare eos qui sciunt, et consentiunt. One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.

Nihil dat qui non habet. He gives nothing who has nothing.

Nihil de re accrescit ei qui nihil in re quando jus accrederet habet. Nothing accrues to him, who, when the right accrues, has nothing in the subject matter. Co. Litt. 188.

Nihil facit error nominis cum de corpore constat. An error in the name is nothing when there is certainty as to the person. 11 Co. 21.

Nihil habet forum ex ascend. The court has nothing to do with what is not before it.

Nihil infra regnum subditis magis conservat in tranquillitate et concordia quam debita legum administratio. Nothing preserves in tranquillity and concord those who are subjected to the same government better than a due administration of the laws. 2 Co. Inst. 158.

Nihil in lege intolerabilius est, eandem rem diverso jure censeri. Nothing in law is more intolerable than to apply the law differently to the same cases. 4 Co. 93.

Nihil magis justum est quam quod necessarium est. Nothing is more just than what is necessary. Dav. 12.

Nihil perfectum est dum aliquid restat agendum. Nothing is perfect while something remains to be done. 9 Co. 9.

Nihil possumus contra veritatem. We can do nothing against truth. Doct. & Stu. Dial. 2, c. 6.

Nihil quod est contra rationem est licitum. Nothing against reason is lawful. Co. Litt. 97.

Nihil quod inconveniens est licitum est. Nothing inconvenient is lawful.

Nihil simul inventum est et perfectum. Nothing is invented and perfected at the same moment. Co. Litt. 230.

Nihil tam naturale est, quam eo genere quidque dissolvere, quo colligatum est. It is very natural that an obligation should not be dissolved but by the same principles which were observed in contracting it. Dig. 50, 17, 35. See 1 Co. 100; 2 Co. Inst. 359.

Nihil tam conveniens est naturali æquitati, quam voluntatem domini voluntis rem suam in alium transferre, ratam haberi. Nothing is more conformable to natural equity, than to confirm the will of an owner who desires to transfer his property to another. Inst. 2, 1, 40; 1 Co. 100.

Nil tamere novandum. Nothing should be rashly changed. Jenk. Cent. 163.

Nil facit error nominis, si de corpore constat. An error in the name is immaterial, if the body is certain.

Nimia subtilitas in jure reprobat. Too much subtlety is reprobated in law.

Nimium altercando veritas amittitur. By too much altercation truth is lost. Hob. 344.

No man is presumed to do anything against nature. 22 Vin. Ab. 154.

No man shall take by deed but parties, unless in remainder.

No man can hold the same land immediately of two several landlords. Co. Litt. 152.

No man shall set up his infamy as a defence. 2 W. Bl. 364

Necessity creates equity.

No one may be judge in his own cause.

Nobiliiores et benigniores presumptiones in dubiis sunt præferende. When doubts arise the most generous and benign presumptions are to be preferred.

Nomen est quasi rei notamen. A name is, as it were, the note of a thing. 11 Co. 20.

Nomen non sufficit si res non sit de jure aut de facto. A name does not suffice if there be not a thing by law or by fact. 4 Co. 107.

Nomina si nescis perit cognitio rerum. If you know not the names of things, the knowledge of things themselves perishes. Co. Litt. 86.

Nomina sunt note rerum. Names are the notes of things. 11 Co. 20.

Nomina sunt mutabilia, res autem immobiles. Names are mutable, but things immutable. 6 Co. 66.

Nomina sunt symbola rerum. Names are the symbols of things.

Non accipi debent verba in demonstrationem falsam, quæ competunt in limitationem veram. Words ought not to be accepted to import a false demonstration which have effect by way of true limitation. Bacon's Max. Reg. 13.

Non alio modo puniatur aliquis, quam secundum quod se habet condemnatio. A person may not be punished differently than according to what the sentence enjoins. 3 Co. Inst. 217.

Non concedantur citationes priusquam exprimat super qua ne fieri debet citatio. Summonses or citations should not be granted before it is expressed under the circumstances whether the summons ought to be made. 12 Co. 47.

Non auditur perire volens. One who wishes to perish ought not to be heard. Best on Evidence, § 385.

Non consentit qui errat. He who errs does not consent. 1 Bouv. Inst. n. 581.

Non debet, cui plus licet, quod minus est, non licere. He who is permitted to do the greater, may with greater reason do the less. Dig. 50, 17, 21.

Non decipitur qui scit se decipi. He is not deceived who know himself to be deceived. 5 Co. 60.

Non definitur in jure quid sit conatus. What an attempt is, is not defined in law. 6 Co. 42.

Non differunt quæ concordant re, tametsi non in verbis tisdem. Those things which agree in substance though not in the same words, do not differ. Jenk. Cent. 70.

Non efficit affectus nisi sequatur effectus. The intention amounts to nothing unless some effect follows. 1 Roll. R. 226.

Non est artius vinculum inter homines quam jurandum. There is no stronger link among men than an oath. Jenk. Cent. 126.

Non est disputandum contra principia negantem. There is no disputing against a man denying principles. Co. Litt. 343.

Non est recedendum à communi observantia. There is no departing from a common observance. 2 Co. 74.

Non est regula quin fallat. There is no rule but what may fail. Off. Ex. 212.

Non est certandum de regulis juris. There is no disputing about rules of law.

Non faciat malum, ut inde veniat bonum. You are not to do evil that good may come of it. 11 Co. 74.

Non impedit clausula derogatoria; quo minus ab eadem potestate res dissolvantur a quibus constituntur. A derogatory clause does not prevent things or acts from being dissolved by the same power, by which they were originally made. Bacon's Max. Reg. 19.

Non in legendo sed in intelligendo leges consistunt. The laws consist not in being read, but in being understood. 8 Co. 167.

Non licet quod dispendio licet. That which is permitted only at a loss, is not permitted to be done. Co. Litt. 127.

Non nasci, et natum mori, pari sunt. Not to be born, and to be dead born, is the same.

Non obligat lex nisi promulgata. A law is not obligatory unless it be promulgated.

Non observata forma, inferitur annullatio actus. When the form is not observed, it is inferred that the act is annulled. 12 Co. 7.

Non omne quod licet honestum est. Everything which is permitted is not becoming. Dig. 50, 17, 144.

Non omne damnum inducit injuriam. Not every loss produces an injury. See 3 Bl. Com. 219; 1 Smith's Lead. Cas. 131; Broom's Max. 93; 2 Bouv. Inst. n. 2211.

Non omnium quæ a majoribus nostris constituta sunt ratio reddi potest. A reason cannot always be given for the institutions of our ancestors. 4 Co. 78.

Non potest adduci exceptio ejusdem rei cujus petitur dissolutio. A plea of the same matter, the dissolution of which is sought by the action, cannot be brought forward. Bacon's Max. Reg. 2. When an action is brought to annul a proceeding, the defendant cannot plead such proceeding in bar.

Non præstat impedimentum quod de jure non sortitur effectum. A thing which has no effect in law, is not an impediment. Jenk. Cent. 162.

Non quod dictum est, sed quod factum est, inspicitur. Not what is said, but what is done, is to be regarded. Co. Litt. 36.

Non refert an quis assensum suum præfert verbis, an rebus ipsis et factis. It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Co. 52.

Non refert quid ex æquipolentibus fiat. What may be gathered from words of tantamount meaning, is of no consequence when omitted. 5 Co. 122.

Non refert quid notum sit iudice si notum non sit in forma judici. It matters not what is known to the judge, if it is not known to him judicially. 3 Buls. 115.

Non refert verbis an factis fit revocatio. It matters not whether a revocation be by words or by acts. Cro. Car. 49.

Non solum quid licet, sed quid est conveniens considerandum, quia nihil quod inconveniens est licitum. Not only what is permitted, but what is proper, is to be considered, because what is improper is illegal. Co. Litt. 66.

Non sunt longa ubi nihil est quod demere possis. There is no prolixity where nothing can be omitted. Vaugh. 138.

Non temere credere, est nervus sapientiæ. Not to believe rashly is the nerve of wisdom. 5 Co. 114.

Non videtur quisquam id capere, quod ei necesse est alii restituere. One is not considered as ac-

quiring property in a thing which he is bound to restore. Dig. 50, 17, 51.

Non videntur qui errant consentire. He who errs is not considered as consenting. Dig. 50, 17, 116.

Non videtur consensum retinuisse si quis ex præscripto minantis aliquid immutavit. He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 22.

Novatio non præsumitur. A novation is not presumed. See *Novation*.

Novitas non tam utilitate prodest quam novitate perturbat. Novelty benefits not so much by its utility, as it disturbs by its novelty. Jenk. Cent. 167.

Novum judicium non dat novum jus, sed declarat antiquum. A new judgment does not make a new law, but declares the old. 10 Co. 42.

Nul ne doit s'enrichir aux dépens des autres. No one ought to enrich himself at the expense of others.

Nul prendra avantage de son tort demerme. No one shall take advantage of his own wrong.

Nulla impossibilia aut inhonesta sunt præsumenda. Impossibilities and dishonesty are not to be presumed. Co. Litt. 78.

Nulle règle sans faute. There is no rule without a fault.

Nulli enim res sua servit jure servitutis. No one can have a servitude over his own property. Dig. 8, 2, 26; 17 Mass. 443; 2 Bouv. Inst. n. 1600.

Nullum exemplum est idem omnibus. No example is the same for all purposes.

Nullum iniquum præsumendum in jure. Nothing unjust is presumed in law. 4 Co. 72.

Nullum simile est idem. No simile is the same. Co. Litt. 3.

Nullus commodum capere potest de injuriâ suâ propria. No one shall take advantage of his own wrong. Co. Litt. 148.

Nullus recedat e curiâ cancellariâ sine remedio. No one ought to depart out of the court of chancery without a remedy.

Nunquam fictio sine lege. There is no fiction without law.

Nuptias non concubitas, sed consensus facit. Co-habitation does not make the marriage, it is the consent of the parties. Dig. 50, 17, 30; 1 Bouv. Inst. n. 239. Co. Litt. 33.

Obedientia est legis essentia. Obedience is the essence of the law. 11 Co. 100.

Obtemperandum est consuetudini rationabili tanquam legi. A reasonable custom is to be obeyed like law. 4 Co. 38.

Officers may not examine the judicial acts of the court.

Officia magistratus non debent esse venalia. The offices of magistrates ought not to be sold. Co. Litt. 234.

Officia judicialia non concedantur antequam vacent. Judicial offices ought not to be granted before they are vacant. 11 Co. 4.

Officium conatus si effectus sequatur. The attempt becomes of consequence, if the effect follows.

Officium nemini debet esse damnosum. An office ought to be injurious to no one.

Omissio eorum quæ tacite insunt nihil operatur. The omission of those things which are silently expressed is of no consequence.

Omne actum ab intentione agentis est judicandum. Every act is to be estimated by the intention of the doer.

Omne crimen ebrietas et incendit et detegit. Drunkenness inflames and produces every crime. Co. Litt. 247.

Omne magis dignum trahit ad se minus dignum sit antiquius. Every worthier thing draws to it the less worthy, though the latter be more ancient. Co. Litt. 355.

Omne magnum exemplum habet aliquid ex ini-quo, quod publica utilitate compensatur. Every great example has some portion of evil, which is compensated by its public utility. Hob. 279.

Omne majus continet in se minus. The greater contains in itself the less. Co. Litt. 43.

Omne majus minus in se complectitur. Always the greater is embraced in the minor. Jenk. Cent. 208.

Omne testamentum morte consummatum est. Every will is consummated by death. 3 Co. 29.

Omne sacramentum debet esse de certa scientia. Every oath ought to be founded on certain knowledge. 4 Co. Inst. 279.

Omnia delicta in aperto leviora sunt. All crimes committed openly are considered lighter. 8 Co. 127.

Omnia præsuntur contra spoliatores. All things are presumed against a wrong doer.

Omnia præsuntur legitime facta donec probetur in contrarium. All things are presumed to be done legitimately, until the contrary is proved. Co. Litt. 232.

Omnia præsuntur rite esse acta. All things are presumed to be done in due form.

Omnia præsuntur solemniter esse acta. All things are presumed to be done solemnly. Co. Litt. 6.

Omnia quæ sunt uxoris sunt ipsius viri. All things which are of the wife, belong to the husband. Co. Litt. 112.

Omnia actio est loquela. Every action is a complaint. Co. Litt. 292.

Omnia conclusio boni et veri iudicii sequitur ex bonis et veris præmissis et dictis juratorem. Every conclusion of a good and true judgment arises from good and true premises, and the sayings of jurors. Co. Litt. 226.

Omnia consensus tollit errorem. Every consent removes error. 2 Inst. 123.

Omnia definitio in jure periculosa est; parum est enim ut non subverti posset. Every definition in law is perilous, and but a little may reverse it. Dig. 50, 17, 202.

Omnia exceptio est ipsa quoque regula. An exception is, in itself, a rule.

Omnia innovatio plus autilate perturbat quam utilitate prodest. Every innovation disturbs more by its novelty than it benefits by its utility.

Omnia interpretatio nisi fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur. The interpretation of instruments is to be made, if they will admit of it, so that all contradictions may be removed. Jenk. Cent. 96.

Omnia interpretatio vel declarat, vel extendit, vel restringit. Every interpretation either declares, extends or restrains.

Omnia regula suas patitur exceptiones. All rules of law are liable to exceptions.

Omnia privatio præsupponit habitum. Every pri-

vation presupposes former enjoyment. Co. Litt. 339.

Omnis ratihabitio retro trahitur et mandato æquiparatur. Every consent given to what has already been done, has a retrospective effect and equals a command. Co. Litt. 207.

Once a fraud, always a fraud. 13 Vin. Ab. 539.

Once a mortgage always a mortgage.

Once a recompense always a recompense. 19 Vin. Ab. 277.

One should be just before he is generous.

One may not do an act to himself.

Oportet quod certa res deducatur in iudicium. A thing, to be brought to judgment, must be certain or definite. Jenk. Cent. 84.

Oportet quod certa sit res venditur. A thing, to be sold, must be certain or definite.

Optima est lex, quæ minimum relinquit arbitrio iudicis. That is the best system of law which confides as little as possible to the discretion of the judge. Bac. De Aug. Sci. Aph. 46.

Optimam esse legem, quæ minimum relinquit arbitrio iudicis; id quod certitudo ejus præstat. That law is the best which leaves the least discretion to the judge; and this is an advantage which results from certainty. Bacon, De Aug. Sc. Aph. 8.

Optimus iudex, qui minimum sibi. He is the best judge who relies as little as possible on his own discretion. Bac. De Aug. Sci. Aph. 46.

Optimus interpretandi modus est sic legis interpretare ut leges legibus accordant. The best mode of interpreting laws is to make them accord. 8 Co. 169.

Optimus interpret rerum usus. Usage is the best interpreter of things. 2 Inst. 262.

Optimus legum interpret consuetudo. Custom is the best interpreter of laws. 4 Inst. 75.

Ordine placitandi servato, servatur et jus. The order of pleading being preserved, the law is preserved. Co. Litt. 303.

Origo rei inspicere debet. The origin of a thing ought to be inquired into. 1 Co. 99.

Paci sunt maxime contraria, vis et injuria. Force and wrong are greatly contrary to peace. Co. Litt. 161.

Pacta privata juri publico derogare non possunt. Private contracts cannot derogate from the public law. 7 Co. 23.

Pacto aliquod licitum est, quid sine pacto non admittitur. By a contract something is permitted, which, without it, could not be admitted. Co. Litt. 166.

Par in parem imperium non habet. An equal has no power over an equal. Jenk. Cent. 174. Example: One of two judges of the same court cannot commit the other for contempt.

Paria copulantur paribus. Things unite with similar things.

Paribus sententiis reus absolvitur. When opinions are equal, a defendant is acquitted. 4 Inst. 64.

Parte quacunque integra subtrahitur, tollitur totum. An integral part being taken away, the whole is taken away. 3 Co. 41.

Partus ex legitimo thoro non certius noscitur matrem quam genitorem suam. The offspring of a legitimate bed knows not his mother more certainly than his father. Fortes. c. 42.

Partus sequitur ventrem. The offspring follow the condition of the mother. This is the law in

the case of slaves and animals; 1 Bouv. Inst. n. 167, 502; but with regard to freemen, children follow the condition of the father.

Parum differunt quæ re concordant. Things differ but little which agree in substance. 2 Buls. 86.

Parum est lalum esse sententiam, nisi mandetur executioni. It is not enough that sentence should be given unless it is put into execution. Co. Litt. 289.

Parum proficit scire quid fieri debet, si non cognoscas quomodo sit facturum. It avails little to know what ought to be done, if you do not know how it is to be done. 2 Co. Inst. 503.

Patria potestas in pietate debet, non in atrocitate consistere. Paternal power should consist in affection, not in atrocity.

Pater est quem nuptiæ demonstrant. The father is he whom the marriage points out. 1 Bl. Com. 446; 7 Mart. N. S. 548, 553; Dig. 2, 4, 5; 1 Bouv. Inst. n. 273, 304, 322.

Peccata contra naturam sunt gravissima. Offences against nature are the heaviest. 3 Co. Inst. 20.

Peccatum peccato addit qui culpæ quam facit patrocinium defensionis adjungit. He adds one offence to another, who, when he commits a crime, joins to it the protection of a defence. 5 Co. 49.

Per rerum naturam, factum negantis nulla probatio est. It is in the nature of things that he who denies a fact is not bound to prove it.

Per varios actus, legem experientia facit. By various acts experience framed the law. 4 Co. Inst. 50.

Perfectum est cui nihil deest secundum suæ perfectionis vel naturæ modum. That is perfect which wants nothing in addition to the measure of its perfection or nature. Hob. 151.

Periculosum est res novas et inusitatas inducere. It is dangerous to introduce new and dangerous things. Co. Litt. 379.

Periculum rei venditæ, nondum traditæ, est emptoris. The purchaser runs the risk of the loss of a thing sold, though not delivered. 1 Bouv. Inst. n. 939; 4 B. & C. 941; 4 B. & C. 481.

Perpetua lex est, nullam legem humanam ac positivam perpetuam esse; et clausula quæ abrogationem excludit initio non valet. It is a perpetual law that no human or positive law can be perpetual; and a clause in a law which precludes the power of abrogation is void ab initio. Bacon's Max. in Reg. 19.

Perpetuities are odious in law and equity.

Persona conjuncta æquiparatur interesse proprio. A person united equal one's own interest. Bacon's Max. Reg. 18. This means that a personal connexion, as nearness of blood or kindred, may in some cases, raise a use.

Perspiciua vera non sunt probanda. Plain truths need not be proved. Co. Litt. 16.

Pirata est hostis humani generis. A pirate is an enemy of the human race. 3 Co. Inst. 113.

Pluralis numerus est duobus contentus. The plural number is contained in two. 1 Roll. R. 476.

Pluralities are odious in law.

Plures coheredes sunt quasi unum corpus, propter unitatem juris quod habent. Several co-heirs are as one body, by reason of the unity of right which they possess. Co. Litt. 163.

Plures participes sunt quasi unum corpus, in eo

quod unum jus habent. Several partners are as one body, by reason of the unity of their rights. Co. Litt. 164.

Plus exempla quam peccata nocent. Examples hurt more than offences.

Plus peccat auctor quam actor. The instigator of a crime is worse than he who perpetrates it. 5 Co. 99.

Plus valet unus oculus testis, quam auris decem. One eye witness is better than ten ear ones. 4 Inst. 279.

Pœnâ ad paucos, metus ad omnes perveniat. A punishment inflicted on a few, causes a dread to all. 22 Vin. Ab. 550.

Pœnâ ex delicto defuncti, hæres tenere non debet. The heir is not bound in a penalty inflicted for the crime of the ancestor. 2 Inst. 198.

Pœnâ non potest, culpa perennis erit. Punishment may have an end, crime is perpetual. 21 Vin. Ab. 271.

Pœnâ ad paucos, metus ad omnes. Punishment to few, dread or fear to all.

Pœnæ potius mollienda quam exasperenda sunt. Punishments should rather be softened than aggravated. 3 Co. Inst. 220.

Posito uno oppositorum negatur alterum. One of two opposite positions being affirmed, the other is denied. 3 Roll. R. 422.

Possessio est quasi pedis positio. Possession is, as it were, the position of the foot. 3 Co. 42.

Possession of the term, possession of the reversioner.

Possession is a good title, where no better title appears. 20 Vin. Ab. 273.

Possessor has right against all men but him who has the very right

Possibility cannot be on a possibility.

Posteriora derogant prioribus. Posterior laws derogate former ones. 1 Bouv. Inst. n. 90.

Potentia non est nisi ad bonum. Power is not conferred, but for the public good.

Potentia debet sequi justiciam, non antecedere. Power ought to follow, not to precede justice. 3 Buls. 199.

Potentia inutilis frustra est. Useless power is vain.

Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Potestas strictè interpretatur. Power should be strictly interpreted.

Potestas suprema seipsum dissolvere potest, ligare non potest. Supreme power can dissolve, but cannot bind itself.

Potior est conditio defendentis. Better is the condition of the defendant, than that of the plaintiff.

Potior est conditio possidentis. Better is the condition of the possessor.

Præpropera consilia, raro sunt prospera. Hasty counsels are seldom prosperous. 4 Inst. 57.

Præstat cautela quam medela. Prevention is better than cure. Co. Litt. 304.

Præsumptio violenta, plena probatio. Strong presumption is full proof.

Præsumptio violenta valet in lege. Strong presumption avails in law.

Prætextu liciti non debet admitti illicitum. Under pretext of legality, what is illegal ought not to be admitted. 10 Co. 88.

Praxis judicum est interpretes legum. The practice of the judges is the interpreter of the laws. Hob. 96.

Precedents that pass sub silentio are of little or no authority. 16 Vin. 499.

Precedents have as much law as justice.

Præsentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis. The presence of the body cures the error in the name; the truth of the name cures an error in the description. Bacon's Max. Reg. 25.

Præmium succedit in locum rei. The price stands in the place of the thing sold. 1 Bouv. Inst. n. 939.

Prima pars æqualitatis æqualitas. The radical element of justice is equality.

Principia data sequuntur concomitantia. Given principles follow their concomitants.

Principia probant, non probantur. Principles prove, they are not proved. 3 Co. 40. See *Principles*.

Principiorum non est ratio. There is no reasoning of principles. 2 Buls. 239. See *Principles*.

Principium est potissima pars cujusque rei. The principle of a thing is its most powerful part. 10 Co. 49.

Prior tempore, potior jure. He who is before in time, is preferred in right.

Privatorum conventio juri publico non derogat. Private agreements cannot derogate from public law. Dig. 50, 17, 45, 1.

Privatum commodum publico cedit. Private yields to public good.

Privatum incommodum publico bono pensatur. Private inconvenience is made up for by public benefit.

Privilegium est beneficium personale et extinguitur cum personâ. A privilege is a personal benefit and dies with the person. 3 Buls. 8.

Privilegium est quasi privata lex. A privilege is, as it were, a private law. 2 Buls. 189.

Probandi necessitas incumbit illi qui agit. The necessity of proving lies with him who makes the charge.

Probationes debent esse evidentes, id est, perspicuæ et faciles intelligi. Proofs ought to be made evident, that is, clear and easy to be understood. Co. Litt. 283.

Probatis extremis, præsumitur media. The extremes being proved, the intermediate proceedings are presumed. 1 Greenl. Ev. § 20.

Processus legis est gravis vexatio, executio legis coronat opus. The process of the law is a grievous vexation; the execution of the law crowns the work. Co. Litt. 289.

Prohibetur ne quis faciat in suo quod nocere possit alieno. It is prohibited to do on one's own property that which may injure another's. 9 Co. 59.

Propinquior excludit propinquum; propinquus remotum; et remotus remotiorem. He who is nearer excludes him who is near; he who is near, him who is remote; he who is remote, him who is more remote. Co. Litt. 10.

Proprietas verborum est salus proprietatem. The propriety of words is the safety of property.

Protectio trahit subjectionem, subjectio projectionem. Protection draws to it subjection, subjection, protection. Co. Litt. 65.

Provisio est providere præsentia et futura, non præterita. A proviso is to provide for the present and the future, not the past. 2 Co. 72.

Proximus est cui nemo antecedit; supremus est quem nemo sequitur. He is next whom no one precedes; he is last whom no one follows.

Prudentur agit qui præcepto legis obtemperat. He acts prudently who obeys the commands of the law. 5 Co. 49.

Pueri sunt de sanguine parentum, sed pater et mater non sunt de sanguine puerorum. Children are of the blood of their parents, but the father and mother are not of the blood of their children. 3 Co. 40.

Purchaser without notice not obliged to discover to his own hurt. See 4 Bouv. Inst. n. 4336.

Quæ ab hostibus capiuntur, statim capientium fiunt. Things taken from public enemies immediately become the property of the captors. See *Infra præsidia*.

Quæ ad unum finem loquuta sunt; non debent ad alium delorqueri. Words spoken to one end, ought not to be perverted to another. 4 Co. 14.

Quæ coheret personæ à personâ separari nequeunt. Things which belong to the person ought not to be separated from the person. Jenk. Cent. 28.

Quæ communi legi derogant strictè interpretantur. Laws which derogate from the common law ought to be strictly construed. Jenk. Cent. 221.

Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam. Things introduced contrary to the reason of the law, ought not to be drawn into precedents. 12 Co. 75.

Quæ dubitationis causâ tollendæ inseruntur communem legem non lædunt. Whatever is inserted for the purpose of removing doubt, does not hurt or affect the common law. Co. Litt. 205.

Quæ incontinenti vel certo fiunt in esse videntur. Whatever is done directly and certainly, appears already in existence. Co. Litt. 236.

Quæ in curiâ acta sunt rite agi præsumuntur. Whatever is done in court is presumed to be rightly done. 3 Buls. 43.

Quæ in partes dividi nequeunt solida, à singulis præstantur. Things which cannot be divided into parts are rendered entire severally. 6 Co. 1.

Quæ inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1.

Quæ mala sunt inchoata in principio vix bono peragantur exitu. Things bad in the commencement seldom end well. 4 Co. 2.

Quæ non valeant singula, juncta jurant. Things which do not avail singly, when united have an effect. 3 Buls. 132.

Quæ præter consuetudinem et morem majorum fiunt, neque placent, necque recta videntur. What is done contrary to the custom of our ancestors, neither pleases nor appears right. 4 Co. 78.

Quæ rerum naturâ prohibentur, nullâ lege confirmata sunt. What is prohibited in the nature of things, cannot be confirmed by law. Finch's Law, 74.

Quæcunque intra rationem legis inveniuntur, intra legem ipsam esse judicantur. Whatever appears within the reason of the law, ought to be considered within the law itself. 2 Co. Inst. 689.

Qualibet concessio fortissime contra donatorem interpretanda est. Every grant is to be taken most strongly against the grantor. Co. Litt. 183.

Qualibet jurisdictionis cancellos suos habet. Every jurisdiction has its bounds.

Qualibet pena corporalis, quam vis minima, major est qualibet pena pecuniaria. Every corporal punishment, although the very least, is greater than pecuniary punishment. 3 Inst. 220.

Quæras de dubiis, legem bene discere si vis. Inquire into doubtful points if you wish to understand the law well.

Quærere dat sapere quæ sunt legitima verè. To inquire into them, is the way to know what things are really true. Litt. § 443.

Qualitas quæ inesse debet, facile præsumitur. A quality which ought to form a part, is easily presumed.

Quam longum debet esse rationabile tempus, non definitur in lege, sed pendet ex discretione iudiciorum. What is reasonable time, the law does not define; it is left to the discretion of the judges. Co. Litt. 56. See 11 Co. 44.

Quamvis aliquid per se non sit malum, tamen si sit mali exemplum, non est faciendum. Although, in itself, a thing may not be bad, yet, if it holds out a bad example, it is not to be done. 2 Co. Inst. 564.

Quamvis lex generaliter loquitur, restringenda tamen est, ut cessante ratione et ipsa cessat. Although the law speaks generally, it is to be restrained when the reason on which it is founded fails. 4 Co. Inst. 330.

Quando abest provisio partis, adest provisio legis. A defect in the provision of the party is supplied by a provision of the law. 6 Vin. A. 49.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum. When anything is prohibited directly, it is prohibited indirectly. Co. Litt. 223.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulæ generali sunt consentanea interpretanda est charta secundum verba specialia. When a deed contains a general clause, and afterwards descends to special words, consistent with the general clause, the deed is to be construed according to the special words. 8 Co. 154.

Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur. When two persons are liable on a joint obligation, if one makes default the other must bear the whole. 2 Co. Inst. 277.

Quando dispositio referri potest ad duas res, ita quod secundum relationem unam vitietur et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio. When a disposition may be made to refer to two things, so that according to one reference, it would be vitiated, and by the other it would be made effectual, such a reference must be made to the disposition which is to have effect. 6 Co. 76.

Quando diversi considerantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem. When two different acts are required to the formation of an estate, the law chiefly regards the original act. 10 Co. 49.

Quando duo jura concurrunt in una persona, æquum est ac si essent in diversis. When two rights concur in one person, it is the same as if they were in two separate persons. 4 Co. 118.

Quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest. When the law gives anything, it gives the means of obtaining it. 5 Co. 47.

Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur. When the law gives

anything, it gives tacitly what is incident to it. 2 Co. Inst. 326; Hob. 234.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda. When the law is special, but its reason is general, the law is to be understood generally. 2 Co. Inst. 83; 10 Co. 101.

Quando licet id quod majus, videtur licere id quod minus. When the greater is allowed, the less seems to be allowed also.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, that shall be considered as performed, which should have been performed; as, if a man having a power to make a lease for ten years, make one for twenty years, it shall be void only for the surplus. Broom's Max. 76; 8 Co. 85.

Quando verba et mens congruunt, non est interpretationi locus. When the words and the mind agree, there is no place for interpretation.

Quem admodum ad questionem facti non respondent iudices, ita ad questionem juris non respondent juratores. In the same manner that judges do not answer to questions of fact, so jurors do not answer to questions of law. Co. Litt. 295.

Qui accusat integræ famæ sit et non criminisus. Let him who accuses be of a clear fame, and not criminal. 3 Co. Inst. 26.

Qui admittit medium, dirimit finem. He who takes away the means, destroys the end. Co. Litt. 161.

Qui aliquid statuerit parte inaudita altera, æquum licet dixerit, haud æquum facerit. He who decides anything, a party being unheard, though he should decide right, does wrong. 6 Co. 52.

Qui bene interrogat, bene docet. He who questions well, learns well. 3 Buls. 227.

Qui bene distinguit, bene docet. He who distinguishes well, learns well. 2 Co. Inst. 470.

Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit. He who grants anything, is considered as granting that, without which his grant would be idle, without which the thing itself could not exist. 11 Co. 52.

Qui confirmat nihil dat. He who confirms does not give. 2 Bouv. Inst. n. 2069.

Qui contemnit præceptum, contemnit præcipientem. He who contemns the precept, contemns the party giving it. 12 Co. 96.

Qui cum alio contrahit, vel est, vel debet esse non ignarus conditio ejus. He who contracts, knows, or ought to know, the quality of the person with whom he contracts, otherwise he is not excusable. Dig. 50, 17, 19; 2 Hagg. Consist. Rep. 61.

Qui destruit medium, destruit finem. He who destroys the means, destroys the end. 11 Co. 51; Shep. To. 342.

Qui doct inheriter al père, doct inheriter al filz. He who ought to inherit from the father, ought to inherit from the son.

Qui ex damnato coitu nascuntur, inter liberos non computantur. He who is born of an illicit union, is not counted among the children. Co. Litt. 8. See 1 Bouv. Inst. n. 289.

Qui evertit causam, evertit causatum futurum. He who overthrows the cause, overthrows its future effects. 10 Co. 51.

Qui facit per alium facit per se. He who acts by or through another, acts for himself. 1 Bl. Com. 429; Story, Ag. § 440; 2 Bouv. Inst. n. 1273, 1335, 1336; 7 Man. & Gr. 32, 33.

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. He who has jurisdiction to loosen, has jurisdiction to bind. 12 Co. 59.

Qui haret in litera, haret in cortice. He who adheres to the letter, adheres to the bark. Co. Litt. 289.

Qui ignorat quantum solvere debeat, non potest improbus videre. He who does not know what he ought to pay, does not want probity in not paying. Dig. 50, 17, 99.

Qui in utero est, pro jam nato habetur quoties de ejus commodo quaeritur. He who is in the womb, is considered as born, whenever it is for his benefit.

Qui jure suo utitur, nemini facit injuriam. He who uses his legal rights, harms no one.

Qui jussu judicis aliquid fuerit non videtur dolo malo fecisse, quia parere necesse est. He who does anything by command of a judge, will not be supposed to have acted from an improper motive, because it was necessary to obey. 10 Co. 76.

Qui male agit, odit lucem. He who acts badly, hates the light. 7 Co. 66.

Qui melius probat, melius habet. He who proves most, recovers most. 9 Vin. Ab. 235.

Qui molitur insidias in patriam, id facit quod insanus aulā perforans navem in quā vehitur. He who betrays his country, is like the insane sailor who bores a hole in the ship which carries him. 3 Co. Inst. 36.

Qui nascitur sine legitimo matrimonio, matrem sequitur. He who is born out of lawful matrimony, follows the condition of the mother.

Qui non cadunt in constantem viem, vani timores sunt estimandi. Those are vain fears which do not affect a man of a firm mind. 7 Co. 27.

Qui non habet in are lual in corpore, ne quis peccatur impuni. He who cannot pay with his purse, must suffer in his person, lest he who offends should go unpunished. 2 Co. Inst. 173; 4 Bl. Com. 20.

Qui non improbat, approbat. He who does not disapprove, approves. 3 Co. Inst. 27.

Qui non libere veritatem pronunciat, proditor est veritatis. He who does not willingly speak the truth, is a betrayer of the truth.

Qui non obstat quod obstat potest facere videtur. He who does not prevent what he can, seems to commit the thing. 2 Co. Inst. 146.

Qui non prohibet quod prohibere potest assentire videtur. He who does not forbid what he can forbid, seems to assent. 2 Inst. 305.

Qui non propulsat injuriam quando potest, infert. He who does not repel a wrong when he can, induces it. Jenk. Cent. 271.

Qui obstruit aditum, destruit commodum. He who obstructs an entrance, destroys a convenience. Co. Litt. 161.

Qui omne dicit, nihil excludit. He who says all, excludes nothing. 4 Inst. 81.

Qui parciū nocentibus, innocentibus punit. He who spares the guilty, punishes the innocent.

Qui peccat ebrius, lual sobrius. He who offends drunk, must be punished when sober. Car. R. 133.

Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it himself. Co. Litt. 258.

Qui per fraudem agit, frustra agit. He who acts fraudulently acts in vain. 2 Roll. R. 17.

Qui potest et debet velare, jubet. He who can and ought to forbid, and does not, commands.

Qui primum peccat ille facit rixam. He who first offends, causes the strife.

Qui prior est tempore, potior est jure. He who is first or before in time, is stronger in right. Co. Litt. 14 a; 1 Story, Eq. Jur. § 64 d; Story, Bailm. § 312; 1 Bouv. Inst. n. 952; 4 Bouv. Inst. n. 3728.

Qui providet sibi, providet heredibus. He who provides for himself, provides for his heirs.

Qui rationem in omnibus quaerunt, rationem subvertunt. He who seeks a reason for everything, subverts reason. 2 Co. 75.

Qui semel actionem renunciaverit, amplius repetere non potest. He who renounces his action once, cannot any more repeat it. 8 Co. 59. See *Retrazit*.

Qui semel malus, semper praesumitur esse malus in eodem genere. He who is once bad, is presumed to be always so in the same degree. Cro. Car. 317.

Qui sentit commodum, sentire debet et onus. He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.

Qui tacet consentire videtur. He who is silent appears to consent. Jenk. Cent. 32.

Qui tardius solvit, minus solvit. He who pays tardily, pays less than he ought. Jenk. Cent. 38.

Qui timent, cavent et vitant. They who fear, take care and avoid. Off. Ex. 162.

Qui vult decipi, decipiat. Let him who wishes to be deceived, be deceived.

Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master. 15 Vin. Ab. 327.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil belongs to it. Went. Off. Ex. 145.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil or the realty, thereby becomes a parcel. See Amb. 113; 3 East, 51; and article *Fixtures*.

Quicquid est contra normam recti est injuria. Whatever is against the rule of right, is a wrong. 3 Buls. 313.

Quicquid in excessu actum est, lege prohibetur. Whatever is done in excess is prohibited by law. 2 Co. Inst. 107.

Quicquid judicis auctoritati subijcitur, novitatis non subijcitur. Whatever is subject to the authority of a judge, is not subject to novelty. 4 Co. Inst. 66.

Quicquid solvitur, solvitur secundum modum solventis. Whatever is paid, is paid according to the manner of the payor. 2 Vern. 606. See *Appropriation*.

Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

Quisquis est qui velit juris consultus haberi, continet studium, veliti a quocunque doceri. Whoever wishes to be a lawyer, let him continually study, and desire to be taught everything.

Quod ab initio non valet, in tractu temporis non convalescere. What is not good in the beginning cannot be rendered good by time. Merl. Rép. verbo *Regle de Droit*. This, though true in general, is not universally so.

Quod ad jus naturale attinet, omnes homines aequales sunt. All men are equal before the natural law. Dig. 50, 17, 32.

Quod alias bonum et iustum est, si per vim vel fraudem petatur, malum et iniustum efficitur. What is otherwise good and just, if sought by force or fraud, becomes bad and unjust. 3 Co. 78.

Quod constat clare, non debet verificari. What is clearly apparent need not be proved.

Quod constat curia opere testium non indiget. What appears to the court needs not the help of witnesses. 2 Inst. 662.

Quod contra legem fit, pro infecto habetur. What is done contrary to the law, is considered as not done. 4 Co. 31. No one can derive any advantage from such an act.

Quod contra juris rationem receptum est, non est producendum ad consequentias. What has been admitted against the spirit of the law, ought not to be heard. Dig. 50, 17, 141.

Quod demonstrandi causâ additur rei satis demonstratæ frustra fit. What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain. 10 Co. 113.

Quod dubitas, ne feceris. When you doubt, do not act.

Quod est ex necessitate nunquam introducitur, nisi quando necessarium. What is introduced of necessity, is never introduced except when necessary. 2 Roll. R. 512.

Quod est inconveniens, aut contra rationem non permissum est in lege. What is inconvenient or contrary to reason, is not allowed in law. Co. Litt. 178.

Quod est necessarium est licitum. What is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cujusque capiti interpretationem. Doubtful and ambiguous clauses ought to be construed according to the intentions of the parties. Dig. 50, 17, 168, 1.

Quod fieri non debet, factum valet. What ought not to be done, when done, is valid. 5 Co. 38.

Quod inconsulto fecimus, consiliis revocemus. What is done without consideration or reflection, upon better consideration we should revoke or undo.

Quod in minori valet, valebit in majori; et quod in majori non valet, nec valebit in minori. What avails in the less, will avail in the greater; and what will not avail in the greater, will not avail in the less. Co. Litt. 260.

Quod in uno similium valet, valebit in altere. What avails in one of two similar things, will avail in the other. Co. Litt. 191.

Quod initio vitiosum est, non potest tractu temporis convalescere. Time cannot render valid an act void in its origin. Dig. 50, 17, 29.

Quod meum est sine me auferri non potest. What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide *Eminent Domain*.

Quod necessarie intelligitur id non deest. What is necessarily understood is not wanting. 1 Buls. 71.

Quod necessitas cogit, defendit. What necessity forces, it justifies. Hal. Pl. Cr. 54.

Quod non apparet non est, et non apparet judicialiter ante iudicium. What appears not does not exist, and nothing appears judicially before judgment. 2 Co. Inst. 479.

Quod non habet principium non habet finem. What has no beginning has no end. Co. Litt. 345.

Quod non legitur, non creditur. What is not read, is not believed. 4 Co. 304.

Quod non valet in principalia, in accessoria seu consequentia non valebit; et quod non valet in magis propinquo, non valebit in magis remoto. What is not good in its principal, will not be good as to accessories or consequences; and what is not of force as regards things near, will not be of force as to things remote. 8 Co. 78.

Quod nullius est id ratione naturali occupanti conceditur. What belongs to no one, naturally belongs to the first occupant. Inst. 2, 1, 12; 1 Bouv. Inst. n. 491.

Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere. Those things which cannot be acquired as property, cannot be the object of an agreement. Dig. 50, 17, 182.

Quod pendet, non est pro eo, quasi sit. What is in suspense is considered as not existing. Dig. 50, 17, 169, 1.

Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.

Quod per recordum probatum, non debet esse negatum. What is proved by the record, ought not to be denied.

Quod populus postremum jussit, id jus ratum esto. What the people have last enacted, let that be the established law.

Quod prius est verius est; et quod prius est tempore potius est jure. What is first is truest; and what comes first in time, is best in law. Co. Litt. 347.

Quod pro minore licitum est, et pro majore licitum est. What is lawful in the less, is lawful in the greater. 8 Co. 43.

Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire. He who suffers a damage by his own fault, has no right to complain. Dig. 50, 17, 203.

Quod quisquis norat in hoc se exerceat. Let every one employ himself in what he knows. 11 Co. 10.

Quod remedio destituitur ipsa re valet si culpa absit. What is without a remedy is valid by the thing itself. Bacon's Max. Reg. 9.

Quod semel lectum est amplius meum esse non potest. Co. Litt. 49; Shep. To. 212.

Quod sub certa forma concessum vel reservatum est, non trahitur ad valorem vel compensationem. That which is granted or reserved under a certain form, is not to be drawn into a valuation. Bacon's Max. Reg. 4.

Quod solo inaedificatur solo cedit. Whatever is built on the soil is an accessory of the soil. Inst. 2, 1, 29; 16 Mass. 449; 2 Bouv. Inst. n. 1571.

Quod taciti intelligitur deesse non videtur. What is tacitly understood does not appear to be wanting. 4 Co. 22.

Quod vanum et inutile est, lex non requirit. The law does not require what is vain and useless. Co. Litt. 319.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.

Quoties in verbis nulla est ambiguitas ibi nulla expositio contra verba fienda est. When there is no ambiguity in the words, then no exposition contrary to the words is to be made. Co. Litt. 147.

Ratihabito mandato equiparatur. Ratification is equal to a command. Dig. 46, 3, 12, 4.

Ratio est formalis causa consuetudinis. Reason is the formal cause of custom.

Ratio est legis anima, mutata legis ratione mutatur et lex. Reason is the soul of the law; the reason of the law being changed, the law is also changed.

Ratio est radius divini luminis. Reason is a ray of divine light. Co. Litt. 232.

Ratio et auctoritas duo clarissima mundi lumina. Reason and authority are the two brightest lights in the world. 4 Co. Inst. 320.

Ratio in jure equitas integra. Reason in law is perfect equity.

Ratio legis est anima legis. The reason of the law is the soul of the law.

Ratio non clauditur loco. Reason is not confined to any place.

Ratio potest allegari deficiente lege, sed vera et legalis et non apparens. Reason may be alleged when the law is defective, but it must be true and legal reason, and not merely apparent. 6 Co. Litt. 191.

Re, verbis, scripto, consensu, traditione, junctura vestes, sumere pacta solent. Compacts are accustomed to be clothed by the thing itself, by words, by writing, by consent, by delivery. Plow. 161.

Receditur a placitis juris, potius quam injuria et delicta maneant impunita. Positive rules of law will be receded from, rather than crimes and wrongs should remain unpunished. Bacon's Max. Reg. 12. This applies only to such maxims as are called *placita juris*; these will be dispensed with rather than crimes should go unpunished, *quia salus populi suprema lex*, because the public safety is the supreme law.

Recorda sunt vestigia vetustatis et veritatis. Records are vestiges of antiquity and truth. 2 Roll. R. 296.

Recurrendum est ad extraordinarium quando non valet ordinarium. We must have recourse to what is extraordinary, when what is ordinary fails.

Regula pro lege, si deficit lex. In default of the law, the maxim rules.

Regulariter non valet pactum dare mea non alienanda. Regularly a contract not to alienate my property is not binding. Co. Litt. 223.

Rei turpis nullum mandatum est. A mandate of an illegal thing is void. Dig. 17, 1, 6, 3.

Reipublica interest voluntates defunctorum effectum sortiri. It concerns the state that the wills of the dead should have their effect.

Relatio est fictio juris et intenta ad unum. Reference is a fiction of law, and intent to one thing. 3 Co. 28.

Relatio semper fiat ut valeat dispositio. Reference should always be had in such a manner that a disposition in a will should avail. 6 Co. 76.

Relation never defeats collateral acts. 18 Vin. Ab. 292.

Relation shall never make good a void grant or devise of the party. 18 Vin. Ab. 292.

Relatorum cognitio uno, cognoscitur et alterum. Of things relating to each other, one being known, the other is known. Cro. Jac. 539.

Remainder can depend upon no estate but what beginneth at the same time the remainder doth.

Remainder must vest at the same instant that the particular estate determines.

Remainder to a person not of a capacity to take at the time of appointing it, is void. Plowd. 27.

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Remedies ought to be reciprocal.

Remedies for rights are ever favorably extended. 18 Vin. Ab. 521.

Remissus imperanti melius paretur. A man commanding not too strictly is best obeyed. 3 Co. Inst. 233.

Remoto impedimento, emergit actio. The impediment being removed the action arises. 5 Co. 76.

Rent must be reserved to him from whom the state of the land moveth. Co. Litt. 143.

Repellitur a sacramento infamia. An infamous person is repelled or prevented from taking an oath. Co. Litt. 158.

Reprobata pecunia liberal solventem. Money refused liberates the debtor. 9 Co. 79. But this must be understood with a qualification. See *Tender*.

Reputatio est vulgaris opinio ubi non est veritas. Reputation is a vulgar opinion where there is no truth. 4 Co. 107. But see *Character*.

Rerum ordo confunditur, si unicuique jurisdictio non servetur. The order of things is confounded if every one preserves not his jurisdiction. 4 Co. Inst. Proem.

Rerum progressus ostendunt multa, quæ in initio præcaveri seu prævideri non possunt. The progress of time shows many things, which at the beginning could not be guarded against, or foreseen. 6 Co. 40.

Rerum suarum quilibet est moderator et arbiter. Every one is the manager and disposer of his own. Co. Litt. 223.

Res denominatur a principali parte. A thing is named from its principal part. 5 Co. 47.

Res est misera ubi jus est vagum et incertum. It is a miserable state of things where the law is vague and uncertain. 2 Salk. 512.

Res, generalem habet significationem, quia tam corporea, quam incorporea, cujuscunque sunt generis, nature sive speciei, comprehendit. The word things has a general signification, which comprehends corporeal and incorporeal objects, of whatever nature, sort or specie. 3 Co. Inst. 432; 1 Bouv. Inst. n. 415.

Res inter alios acta alteri nocere non debet. Things done between strangers ought not to injure those who are not parties to them. Co. Litt. 152.

Res judicata pro veritate accipitur. A thing adjudged must be taken for truth. Co. Litt. 103; Dig. 50, 17, 207. See *Res judicata*.

Res judicata facit ex albo nigrum, ex nigro album, ex curvo rectum, ex recto curvum. A thing adjudged makes what was white, black; what was black, white; what was crooked, straight; what was straight, crooked. 1 Bouv. Inst. n. 840.

Res per pecuniam æstimatur, et non pecunia per res. The value of a thing is estimated by its worth in money, and the value of money is not estimated by reference to the thing. 9 Co. 76; 1 Bouv. Inst. n. 922.

Res perit domino suo. The destruction of the thing is the loss of its owner. 2 Bouv. Inst. n. 1456, 1466.

Reservatio non debet esse de profectis ipsis quia ea conceduntur, sed de redditu nova extra profectiva. A reservation ought not to be of the profits themselves, because they are granted, but from the new rent out of the profits. Co. Litt. 142.

Resignatio est juris proprii spontanea refutatio. Resignation is the spontaneous relinquishment of one's own right. Godb. 284.